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RUDIMENTS  
OF  
POLITICAL SCIENCE,  
PART THE FIRST;  
CONTAINING  
ELEMENTARY PRINCIPLES:  
WITH  
AN APPENDIX.

By ANGUS MACAULAY, A.M.

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— QUÆRERE VERUM. HOR.

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RUDIMENTS

OF

POLITICAL SCIENCE,



ANALYTICAL

BY ANDREW MACCARTHY, A.M.

## PREFACE.

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TO remove the objections of those, who indiscriminately reprobate all abstract reasoning in politics, it may be proper to observe, that abstract reasoning on any subject may be regarded in two different lights. The separation of a subject of enquiry from all extraneous considerations is a kind of abstraction; and we may also employ this term to denote the discussion of a general doctrine, without reference or application to particular specimens or cases. Thus, if we treat politics apart from other subjects, or enquire into the nature and ends of civil government, without reference to the constitution of Great Britain, Rome, or Sparta, or of any other particular state; in either case, our discussion may be denominated abstract reasoning in politics. But, without such discussion, our political knowledge cannot be termed Scientific;

for to entitle our knowledge, on any subject, to be dignified with the appellation of Science, it must consist of a chain of general doctrines, or inferences, which we have deduced by accurate reasoning, from just principles, proper to the subject.

Hence it is evident, that to reject all abstract reasoning in politics, would be, in fact, to exclude this important branch of human knowledge from the number of the sciences. But this exclusion would involve numerous absurdities, as well as lead to the most alarming consequences. If there were, in politics, no general truths which were fairly deducible from undeniable principles, it would follow that there was no certain criterion for distinguishing civil liberty from slavery; or just government from tyranny on the one side, and from anarchy on the other: and all appeal to the impartial reason of mankind, on political subjects, would be nugatory; for every man's fancy or caprice must be his political guide. But this is not the case: on the contrary, the number  
of

of political truths, susceptible of rational proof, is sufficiently great to form a chain of inferences, which fairly entitle politics to rank among the sciences.

To be convinced of the importance and utility of cultivating political science, we need only reflect on the numberless improvements which plainly appear from history to have taken place in the general condition of mankind, and which the writings of political reasoners have greatly contributed to promote. Nay, several truths in this science seem calculated to become more useful to the world, in proportion as they are more carefully investigated, more clearly explained, more widely diffused, and more successfully inculcated.

Various evils, on the other hand, may appear to have proceeded from the erroneous positions, or the false deductions, of writers on this science; and this consideration gives a degree of plausibility to the opinion of those who apprehend danger from all abstract political discussions. Several speculative systems might be

specified, which are not only wrong in theory, but hostile to human happiness, in their obvious tendency: and any attempts, which have ever been made to reduce them to practice, would doubtless be found, on fair examination, to have produced considerable mischief. In the number of these unfounded theories (to confine ourselves to late times) we may reckon Montesquieu's System respecting the Influence of Climate; Hume's Doctrine concerning the Natural Inferiority of the Inhabitants of all that part of the Globe which lies between the Tropics; the mis-statements of various authors relative to political resistance; Rousseau's Paradoxes in Recommendation of Ignorance and Barbarism; and Mably's Declamations in Favour of a Common Participation, or an Equal Division of Property. In the same number, we may also reckon Smith's Division of the Progress of Civilization and Civil Government into certain Periods, according to the Wealth of Nations, and the Modes of Living assigned by System to those artificial Periods.

But



But while we deplore the evils which may have resulted from erroneous political systems, candour requires us to recollect that those evils have, both in number and magnitude, been inconsiderable when compared with the substantial benefits which have accrued to mankind, from the diffusion of useful political knowledge: instead, therefore, of justifying prejudices against abstract political researches, they only serve to shew more strongly the pernicious tendency of error, and to confirm the utility of ascertaining truth in politics, as in other sciences.

The world is now sufficiently aware, that the surest way to succeed in combating erroneous opinions, and counteracting their influence, is to endeavour to expose and confute them; and to exhibit the opposite truths in their clearest light. This can be done only by free enquiry and reasoning. In the warfare between truth and error, truth generally derives signal advantage from every conflict; and, if the contest be maintained, will triumph at last, although the probable issue may long appear doubtful. Error,



on the other hand, gains, or at least recovers ground during every cessation of hostilities.

A vindication of abstract reasoning in politics is by no means inconsistent with the doctrine that this important science ought to be chiefly founded on experience, to the exclusion of hypothetical systems, and speculative theories. When the immortal Newton established the true system of the world on the basis of experiment, his reasoning was not less abstract than that which Des Cartes employed in deducing the planetary revolutions from the operation of imaginary vortices.

When we recollect, that the true path to science has long been generally known, our astonishment may be justly excited by observing, that system and authority still occupy much of that ground in the science of politics, which ought to belong exclusively to history and reasoning. The name of Montesquieu, for example, carries nearly as much weight with the political student of the present day, as that of Aristotle

Aristotle did in the schools two centuries ago: and many political opinions have been implicitly received, and still continue to be propagated, without examination, from deference to those writers of celebrated name, by whom they were first advanced, or afterwards adopted. Yet when any of those political writers, who may have contributed to enlighten the world, have chanced to mingle some erroneous theory with much solid instruction, we ought to recollect, that the higher their merit and reputation, their errors became the more dangerous. To question the soundness of their speculative opinions therefore, or to attempt the exposing of their errors, ought neither to be ascribed to an envious wish of detracting from their abilities and merit, nor construed into a design of aiming at any competition with them in general fame. To adorn a superficial and unfounded theory, so as to pass it on the world for deep philosophy; to give currency to enigmatical quibbles, as if they were the result of profound reflection, or the predictions of comprehensive

prehensive intelligence and wisdom; to make paradoxes pass for solid maxims; declamation for reasoning; and system for science; to produce such effects require splendid talents, genius, and eloquence. But to search after the truths of history, no more is necessary than diligent and persevering application: and to draw just inferences from facts is, by the exercise of due attention, within the compass of a plain and unbiassed understanding.

There appears much reason to suspect, that the anxiety of many readers to know the private opinions of an author, before they peruse his work, may partly proceed from indolence, and partly from a secret determination to repose on his reasoning, if they discover him to be of their own sentiments; but otherwise to reject his conclusions, without examination: and we may expect this to be more especially the case; when opposite opinions on interesting subjects are warmly contested. But the candid and discerning few will peruse an argumentative treatise,

treatise, with a determination to weigh arguments without regard to the real or supposed party of the author, or to his sentiments on any subject, excepting that immediately before them: they will accordingly reject error, wherever they discover it, and acknowledge truth in the reasoning even of an opponent.

The Writer of the following pages flatters himself, that it will not be deemed improper in him to obtrude himself on the notice of his readers so far as to say, that he has been for some time secluded from much intercourse with the world, and has thereby enjoyed leisure sufficient to enable him to reflect with coolness on several public events, which seem to have variously agitated the passions of those who are engaged in active life. His original intencion, in applying to the study of political science, was to endeavour to trace from history the discriminating characters of the various forms of government, which are known to have prevailed in the world. In the prosecution of this design, he found his progress

gress retarded at every step, by the variety of opposite opinions, and the multiplicity of theories and systems which have been published on the subject. To clear his way, he therefore found it necessary to enquire into the first principles of this science; and the result is now respectfully, and with anxious timidity, presented to the public. He is fully aware that some of the arguments which he has had occasion to employ in the course of this Treatise, may to some appear to be what they term Republican and Democratical; and that many of the rest will to others seem favourable to arbitrary power and tyranny; so that possibly he may please the violent of neither side. This circumstance of itself may to the candid furnish a presumption, that truth has been his aim.

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**RUDIMENTS**

## RUDIMENTS

OF

## POLITICAL SCIENCE.

### CHAP. I.

#### OF THE ORIGIN OF CIVIL GOVERNMENT.

*Two classes of theorists on this subject—true political science founded on history and a knowledge of human nature.*

**T**HEORIES concerning the commencement of civil society, or the first institution of civil government, have been offered to the world by writers of eminent abilities. The partisans of these theories, and of the different systems which have been founded upon them, may be divided into two classes.

B

One

One class consists of those, who have assumed a divine command as the original foundation of civil government. Of these, some have contended, that the first parent of the human race was invested by his Creator with political authority, supreme and absolute over all his progeny ; and that from him, a right of unlimited government has descended by inheritance, in the elder lines of the several branches of his family, or to his representatives. In proof of this primeval sovereignty, they have adduced some passages from the Mosaic history ; and have endeavoured to supply the obvious deficiency of historical evidence, by speculative arguments. But their interpretation of those few scripture passages is at least as controvertible, as the speculative reasoning, which they have employed to corroborate their inferences from them : hence their account of the first institution of civil government must be regarded as an hypothesis.

The other class of theorists on the origin of civil government, consists of those, who suppose mankind to have existed as solitary and unconnected individuals, in independence and equality ;

lity ; until circumstances, in process of time, induced them to form voluntary associations.

Of the writers of this class, some have attributed the first formation of civil society to the social affections, implanted in human nature. Others have attempted to trace those original wants of mankind, which, they supposed, might have first suggested the utility of recourse to mutual aid, when solitary exertions had proved feeble, or unavailing. Some of them have ascribed the first human associations to fear, others to ambition, and others to natural hostility. Nay, some have ventured to describe the probable manner, in which the first associations were formed, with several of the incidental circumstances, by which they might have been preceded or accompanied.

Much ingenuity and learning have been displayed, in the formation of some of these theories ; and the discussion of their comparative merits may doubtless have contributed to throw considerable light on political science : but to trace the actual progress of society in different countries, and to investigate the successive



changes which it has undergone, together with the various modifications which it has assumed under different circumstances, as far as these interesting objects of enquiry can be ascertained by historical evidence, must be acknowledged to be of much greater importance. Such investigation must lead more directly to the acquisition of real knowledge, and the establishment of just principles in the science of politics, than the examination of speculative systems concerning the origin or progress of civil government. The truths of history constitute what may be termed the political experience of mankind; and it is from this source that political conclusions ought chiefly to be drawn. Hence politics may justly be regarded as an experimental science; and although the political student can seldom make his own experiments, like the natural philosopher, he has ample scope for the pursuit of his enquiries and reasoning, in the experiments which have been made before him, not by individuals, but by nations. These are recorded in the authentic histories of past times, to which the political student must have recourse, in order to learn the various characters, which men, in their collective

collective capacity, have assumed in different situations; and to deduce his political inferences. Hence it is evident, that as time advances, the world must be continually improving in political knowledge, from the gradual accumulation of the general stock of experience; although this be contrary to the common maxim, which attributes the greatest depth of wisdom to ancient or early times. The political student ought also to endeavour to trace the human character as exhibited in the lives of individuals. A knowledge of human nature, and the history of nations, are the genuine sources of political science.

CHAPTER I  
OF THE NATURE AND  
EXTENT OF THE  
HUMAN MIND  
IN ITS FIRST  
STATE  
AND  
THE  
MANNER  
IN WHICH IT  
ACQUIRES  
KNOWLEDGE  
OF THE  
WORLD  
AROUND IT  
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CAPACITIES  
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ACQUIRES  
KNOWLEDGE  
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WORLD  
AROUND IT  
AND  
OF ITS  
OWN  
CAPACITIES  
AND  
LIMITS

## CHAP. II.

### OF THE NECESSITY OF CIVIL GOVERNMENT.

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#### SECT. I.

*The necessity of civil government apparent, from the expediency of union and concert among men, for various important purposes—the numerous disorders produced by the follies and passions of men require the controul of civil government—a state of anarchy exemplified, by the Mosaic account of the antediluvian world.*

IS civil government necessary to human society? The answer to this question might be readily found in the obvious expediency of union and concert among men, for various purposes connected with their subsistence, defence, accommodation, and improvement; and in the experience which history uniformly furnishes, of some kind of civil government being

the only effectual method by which the efforts of mankind have ever been united and directed in the joint pursuit, even of objects of acknowledged utility. We might thence pronounce civil government to be highly useful, if not necessary, as being indispensably requisite to the attainment of various important purposes, and thereby essentially conducive to human happiness.

But the absolute necessity of civil government to society will more fully appear, from a consideration of the numerous contentions and disorders, which prevail in the world; and which, without a permanent controul, would unquestionably prove still more destructive of human happiness than they are at present. How far the inestimable benefits and comforts of social life, to which nature so powerfully incites us, might be enjoyed without civil government, if mankind were universally wise and virtuous, appears at best to be an useless enquiry. Notwithstanding all the advantages, which, it may be supposed, so great a change in the character of human beings would produce, some kind of civil government might still



still be desirable, and even necessary, in order to collect and concentrate dispersed intelligence and wisdom, and to combine and direct efforts designed for the general benefit. But the supposed exigencies of any such imaginary state are foreign to our purpose, and do not seem to merit much discussion. It is of more importance to recollect what experience has too fatally evinced, and daily observation may confirm, that wisdom and virtue are extremely defective in the world; and that this deplorable deficiency constitutes the principal ground of the necessity of civil government. What innumerable mischiefs arise from the ignorance, mistakes, or caprices of men; from their opposite views and interfering interests, whether real or imaginary; from their irregular appetites, and their discordant and malevolent passions! These, or, in fewer words, the follies and the crimes of men, render the restraints of civil government and laws essential to the welfare of society, if not to its very existence.

Human laws necessarily suppose the existence of some government to enact them, and to superintend and enforce their observance; But,  
in

in the history of civil governments, we find several, which have exercised controul by arbitrary will, without publishing, or adhering to any general rules. Yet even such governments appear to be more favourable to human happiness, and more conducive to the progress of human improvement, than the total dissolution of society, which would unavoidably result from the absence of all restraint on human conduct.\*

Moses is unquestionably the oldest historian extant: he is also the most ancient legislator

\* *Τῶν μὲν ἀναγκαιῶν ἀρχῶν χάρις, ἀδύνατον ἵναί ποτε.* Aristot. Polit. l. iv, c. 8, ed. Heins.

“Magistratibus igitur opus est, sine quorum prudentia ac diligentia esse civitas non potest; quorum descriptione, omnis reipublicæ moderatio continetur.” Cic. de Legibus, l. iii. c. 2. edit. Lond. folio.

“Si omnes sic erimus affecti; ut, propter suum quisque emolumentum, spoliet ac violet alterum, disrumpi necesse est eam quæ maxime est secundum naturam, humani generis societatem.” Cic. de Offic. l. iii, c. 5.

“Si unusquisque nostrum rapiat ad se commoda alterius, detrahatque quod cuique possit, emolumenti sui gratia, societas hominum communitasque evertatur necesse est.” Ibid. c. 5.

whose

## SECT. I.] OF CIVIL GOVERNMENT. 11

whose institutions are recorded. In both these respects, he must appear venerable to every enquirer into the antiquities of nations. His account of the political state of the antediluvian world is short, but comprehensive; "and the earth was filled with violence." † By this expression, he appears to have intended to convey to his readers, that civil government had not yet been established; ‡ and that, accordingly, contention, animosity, rapacity, oppression, and revenge, with all their lawless consequences, had universally prevailed.

† Genesis vi. 11.

‡ On this subject, see Taylor's Scheme of Scripture Divinity.

SECT

*The American Indians falsely represented to be in a state of social union, without any kind of civil government—despotic governments generally prevalent in America at the time of its discovery.*

**SOME** tribes of North American Indians have been represented as living in social union, without any kind of civil government. They have been described as enjoying a state of perfect equality, without the smallest degree of authority being exercised by one, or more, over any other part of the community, either by delegation or assumption: but the correctness of such representations may be questioned. In every tribe of those Indians, concerning which we have any accurate account, the counsels of the beloved men, whether consisting of the aged, of the head-warriors, or of the conjurors, as Europeans call them (probably the remains of an ancient priesthood), are said to be received with the most respectful attention, especially when they are assembled to deliberate on

mat-

matters of general concern. In every one of those nations there is also either a chief, whose authority is permanent, and perhaps hereditary; or, at least, a first or best warrior. The latter has, perhaps, arrived at the distinction which he enjoys, by having displayed the greatest swiftness in pursuing or flying from an enemy; or practised the most artful stratagems in eluding danger; or by having exerted the most masterly cunning in surprising the greatest number of a hostile tribe, whether young or old, and taking the greatest number of scalps.

At the time of the discovery of North America, the Sachems, Caciques, or heads of tribes, by whatever name they were denominated, appear to have possessed considerable authority. At present, however, it would seem, that many tribes of North American Indians have no permanent political rulers, with coercive, or co-active authority. Yet there is probably no tribe in North America, which does not occasionally exercise coercion and coercion; particularly after a public determination to give satisfaction for an offence committed against a friendly tribe or nation. This is commonly done, either

by



by the death of the offender; or by the surrendering him to the nation he has injured; or by the death, or surrender of a substitute for him.\*

The hunting-grounds belonging to each tribe of Indians are left undivided, and common to all the members of the tribe. Those Indians are also habitually indolent and inactive, except when engaged in hunting or war, in the pursuit of private revenge, or in dances, which originally were perhaps of a religious nature; and their arts and commerce are in a correspondent state of infancy. These concurring causes, together with their unbounded hospitality, leave little room among them for contentions about property. Such as do arise, if they cannot be amicably adjusted by the advice of friends, or by reference to the evidence and persuasion of

\* In the History of South Carolina (published in 1779) vol. ii, chap. 9, it is related, that an uncle of a murderer purchased the forfeited life of his nephew, by a voluntary sacrifice of his own. Bossu gives an account of an Indian of the nation of the Colapissas, who offered to suffer death in place of his son; a substitution of which the Choctaws, the offended nation, accepted. See Bossu's Travels through Louisiana, letter 8.

SECT. 2.] OF CIVIL GOVERNMENT. 15

neighbours and bye-standers, commonly terminate in a fight of the parties. Private wrongs and personal injuries are left to be redressed by private revenge. A compensation is sometimes accepted for the life of a murderer, by advice of the Headmen; otherwise, the murder is left to be avenged by the nearest of kin to the deceased, who usually pursues the murderer with implacable hostility, and a rancour unabated by distance either of place or time. Foreign injuries generally rouse the resentment of the whole tribe against which they are committed. A general meeting of the warriors is held, or of deputies from their different towns. If it be resolved to retaliate on the offending tribe, all who are inflamed by the desire of revenge, or by the love of glory, engage to join in an expedition for that purpose: and if any warrior does not feel the passions, which inspire the rest of the tribe, he is at liberty to remain at home; for in such case, it does not appear, that compulsion is now employed. When the expedition sets out, if the tribe has not a permanent commander, he who is reputed the best warrior, naturally takes the lead; not perhaps by a formal election, but by a kind of tacit

tacit consent, from a general confidence in his courage and address. At other times, perhaps some one of the head warriors, either with or without consultation with other chiefs, announces his intention of setting out on an expedition against some other tribe, and taking with him such of the young warriors as are disposed to accompany him.

A state of things such as this, appears incapable of lasting beyond the simplest and rudest stages of the progress of society: yet even those Indian tribes cannot with justice be said to live in total anarchy. Their general meetings of the warriors, the consultations of the old men, and the military command of the chief warrior, may be regarded as forming a kind of political constitution; and their ferocity of spirit and stubbornness of temper, joined with their attachment to all who belong to their own tribe, their rancour against its enemies, and their being continually in a state of warfare with some neighbouring tribe, all these have given the force of laws to certain customs prevalent among them. In the number of such may be reckoned the practice of leaving to private revenge

the punishment of murder. The obligations of this custom are so strongly impressed, that although the murderer generally flies, yet, if overtaken by the *avenger of blood*, he surrenders himself to his impending fate without resistance. Nay, it is said, there have been instances of an Indian anticipating the vengeance about to be inflicted by others; and, in acknowledgment of its justice, becoming his own executioner.

The American Indians, therefore, notwithstanding their apparent equality and the simplicity of their mode of living, do not furnish a real exception to the uniform experience, which was urged in the preceding section, as a proof of the necessity of civil government, to enable any considerable number of human beings to live with comfort in society. Such American tribes as may have appeared to travellers to be wholly destitute of any kind of civil government, have probably been visited during those intervals, when their affairs did not appear to themselves to require either public deliberation, or public action.

When the American Islands were first discovered by Columbus, their inhabitants were governed by chiefs, who lived in all the state and splendor, of which the progress those islanders had made in the arts of life would admit. Their authority was unlimited, and maintained by superstition, as well as by claims of hereditary right. There were also distinctions of rank among their subjects. On the American continent, besides the empires of Mexico and Peru, there were various other tribes, or nations, of which the chiefs were "not only permanent, "but hereditary." Nay, some of them were absolute\*. The chief of the Natches, in particular, was reputed "to be a being of superior "nature, the brother of the Sun, the sole "object of the worship of his subjects." They approached him with religious veneration, and honoured him as the representative of their deity. They submitted to his will with implicit obedience; and the lives of his subjects were at his absolute disposal; nay, when he died, his principal officers and favourite wives were sacrificed at his tomb, that they might

\* See Robertson's History of America, vol. i, books 3d and 4th.



attend him in the next world. A similar custom is known to have anciently prevailed in several countries of the old continent †. There were also other distinctions of rank among the Natches; some families enjoying hereditary dignity, while the body of the people was held in contempt by the higher classes of the tribe, and kept in the most abject degradation.

We are informed by the elegant historian, from whose account of this nation of Indians the particulars here cited respecting them are chiefly taken \*, that in Bogota also, which, he  
says,

† See Herodotus, l. iv. c. 71, 72. l. v. c. 5. Diod. Sicul. l. xix. p. 688, 689. Ed. Rodoman.

\* Charlevoix gives a detailed account of the government and political distinctions of the Natches. He visited the great chief of that tribe, and the Temple of the Sun, in the principal village of the nation, so lately as the year 1721. He says they had been rapidly declining for some time. (See Charlevoix's Travels, Letter xxix.) In the year 1730, the government of the Natches was totally subverted by the French; and such of the people as were not destroyed, or transported as slaves to the West Indies, took refuge among the Chikeways; and were adopted by that tribe. Bossu gives an interesting account of this catastrophe.

is now part of the new kingdom of Grenada, there was a nation "more considerable in number, and more improved in the various arts of life, than any people in America, except the Mexicans and Peruvians," which was governed by an absolute single ruler; and that there were other tribes on the same continent, the chiefs of which "had assumed extensive authority." †

trophe. (See Bossu's Travels through Louisiana, Letter iii.) But we have a still fuller account of the government and institutions of the Natches, and of the final dispersion of the tribe, in Du Pratz's History of Louisiana. The writer last mentioned had resided some years among them. Pitman, in his account of the European settlements on the Mississippi, page 38, asserts that, in his time, nothing remained of the Natches but the name; yet in a late estimate of the numbers of the North American Indians, the Natches are mentioned as still forming a tribe; and are said to amount to an hundred. (See Inlay's Account of the Western Territory of America.) But it appears uncertain, whether the Indians, now called Natches, are a remnant of the old tribe, or only some other Indians who have settled on the same territory. At any rate, no account seems to have been given to the world of the arrangements of civil polity adopted by the Indians, who are now settled on the territory of the old Natches.

† Robertson's History of America, v. 1. b. 4.

A consideration of the striking similarity, which the modern discoverers of America perceived, not only in the hair, features, complexion, and bodily constitutions, but likewise in the customs, manners, and characters of the numerous tribes dispersed over that immense portion of the globe, would naturally lead us to expect an equal similarity in their political arrangements. Yet, how widely different were the despotism, the hereditary distinctions of rank, and the domestic slavery which are acknowledged to have been firmly established in the American islands, in the extensive empires of Mexico and Peru, and in many other parts of the American continent, from the equality which appears to prevail at present in several nations of American Indians.

It seems most reasonable to suppose, that the same uniformity, which was observed in the persons, characters, and manners of those Indians, at the time of their discovery, and which seemed to evince a common origin, had also prevailed originally in their forms of civil polity. Whence then arose the dissimilitude? Has it been produced by a change from freedom to despotism

in the government of some tribes; or by the opposite change from despotism to freedom in others? Had permanent dignities, hereditary privileges, and absolute dominion obtruded themselves on tribes which had formerly been accustomed to equality and liberty? Or, has a gradual relaxation and diminution of the authority and power of political rulers, terminated in a total oblivion of all hereditary distinctions in tribes, which had formerly been subject to despotic government?

There are no ancient American monuments, which can enable us to trace historically the commencement, or progress of the dissimilitude in question. But there are various considerations, which furnish the highest probability, if not an absolute certainty, that the ancient governments of America had uniformly partaken more of the despotism, which was found established in some tribes, than of the equality, which prevails in others at present.

It is well known, that a variety of important changes has taken place, both in the external connexions, and internal circumstances of most tribes

tribes of American Indians, during the course of the three centuries, which have elapsed, since the modern discovery of their country. Several numerous tribes have been totally exterminated; and many others have gradually become extinct through war, famine, desertion, or disease, and the union of smaller tribes with greater. Of the tribes which remain, some have been subjected to a foreign yoke; others are exposed to continual encroachments; and all have before them the alarming prospect of a final extirpation of the whole Indian race, in consequence of the rapid progress of population, which they cannot fail to observe among the descendants of those strangers, by whom they know their country to have been invaded, and their lands unjustly seized, and forcibly retained. Most American tribes have also become acquainted with foreign customs and manners, through their various intercourse with European nations of different characters, which had been formerly unknown to them; and with which they have been engaged in wars, alliances, negotiations, or trade. Although the concurrent influence of these causes have not wholly effaced the general character of the American Indians, of which some features



were so strongly marked, as to be still discernible; yet it has produced considerable alterations in the customs and manners of most of their tribes, as may well be supposed. Some of their old customs are now neglected, and many are wholly forgotten; several continue to be practised, without any recollection of the reasons, on which they were founded; and some new customs have been introduced †.

Amidst

† Mr. Adair (the author of the History of the American Indians, published in 1775) resorted for many years as a trader to the countries of the Cherokees, Creeks, Choc-taws, and Chikisaws. He specifies many changes, which had taken place in the customs and manners, and even in the character of those tribes, within his own recollection; and his account of Indian manners appears to be accurate as well as faithful; how much soever some parts of his reasoning may be thought inconclusive; and his attempt to prove the descent of the North American Indians, from the ancient Jews, unsuccessful or even whimsical.

Both Lafitua and Charlevoix attest similar changes to have taken place in other tribes; from their own observation, and from the report of Missionaries, as well as Indians, with whom they had conversed. Colden, in the introduction to his History of the Five Nations, says, it is not easy now to distinguish the original and genuine manners

Amidst such vicissitudes then, could it be expected, that the exercise and forms of public authority and government would remain uninterrupted and unvaried? On the contrary, is it not evident, that the causes, which have been specified, were still more likely to obliterate ancient political institutions; and to introduce new arrangements of social order, whether suggested and recommended by example, or rendered necessary by the exigencies of new situations; than to effect changes of any other description? Hence we might reasonably presume, that the forms of civil polity subsisting at present among

manners of the Indian nations from those they have lately acquired. This fluctuation may sufficiently account for any differences, or apparent contradictions, which may be found between the reports of different travellers concerning the customs and manners of the Indians of America, without supposing any unfaithfulness, credulity, or inaccuracy in those travellers. If their visits on that continent have been made to different tribes, or to the same tribes at different periods; their relations, if faithful, may be expected to be different. A candid comparison of the earliest accounts of the manners of those Indians, with those of the latest date, will fully establish the justice of the remark, that several considerable changes have taken place among them.

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the Indians of North America, must be considerably different from those, which prevailed among them, at the time of the first European conquests in their country. We might also presume, that the forms, which subsisted among them even at that period, might, through the operation of supposable circumstances, have varied considerably from those they had originally established.

But with respect to the forms of government prevalent in America, at the time of the first European conquests in that country, we are not left to presumption or probability alone. We have the positive and concurrent testimony of the earliest Spanish, French, and English voyagers on the subject. All the first reports concerning the political state of the native inhabitants of America, agree in representing them in general, as subject to despotic governments, and the chiefs even of their free-est tribes, as possessed of a more settled authority, than has been customary among them, of late years. It appears also, from a comparison of the earliest accounts, with those of subsequent dates, that the authority and power of their political rulers have been

been gradually declining ever since the first appearance of their formidable invaders. \* A farther discussion of this subject cannot be deemed unimportant; because every enquiry, relative to the History of the Human Species, must ever be interesting; but especially, because a very different statement has been advanced by many; and has served as the principal support of two different theories, which contradict the doctrine of the general necessity of civil government. Of these, one has had its day of popularity; but its credit seems now declining: the other remains still in vogue.

\* I have deemed it of importance to confirm the account given in the text of the governments of the North American Indians, by some quotations from voyages and travels of credit: But it was thought, that their insertion in the text would too much interrupt the thread of the argument, and they were thought too long to be inserted in the margin: the reader will find them in Appendix, No. I.

## S E C T. III.

*The attempts of Dr. Robertson to reconcile the existence of several despotic governments in America, with the doctrines of Rousseau's romantic theory of a state of nature, are unsuccessful—climate—mode of procuring subsistence—superstition—the similarity between several unaccountable customs found in America, and customs formerly prevalent in Asia and Europe, furnishes strong presumptive evidence of the derivation of those customs from a common centre.*

**SEVERAL** writers have maintained, that man, in the state of nature, roamed in the forest solitary, guiltless, free, and independent: that the savage, who feeds on fruits, herbs, and roots, the spontaneous productions of the soil, yet deriving a part of his subsistence from fishing, or the chase; and whose sole beverage is the fountain, or the running stream, approaches nearest to the state of nature in freedom, innocence, and virtue, as in simplicity and rudeness; that, as tribes or nations receded from  
that



that golden state, they began to lose their freedom, and to become corrupted; and that their fervility and depravation are progressive, advancing in proportion to their progress in arts, civilization, and refinement; until they sink at last under absolute slavery to despotism, the extreme of political refinement and corruption. In conformity to this system, ignorance and barbarism have been connected with liberty; and despotism and slavery, with civilization, and refinement.

Rousseau, although by no means the inventor of this romantic theory, has been its great embellisher. He made its doctrines so interesting, by animating his representations with all the glow of a fervid imagination, that he has contributed to recommend it to general attention and reception, more perhaps than any other writer. With regard to the theory in general, it appears sufficient at present to observe, that the state of nature, a supposed acquaintance with which the framers of this system have assumed as the foundation of their theory, is altogether imaginary. If such a state indeed had ever existed, it must have been before the formation  
of

of civil society, or in its infancy, at some period beyond the reach of history; and must consequently be as unknown to us as if it had never existed: A supposed knowledge of it ought not therefore to be made the foundation of any political system.

The partizans of this theory have found in the North American Indians a plentiful source of argumentation, and still more of declamation, in its favour. But the arguments which they have drawn from this topic, have generally run in what the logicians call a vicious circle. They first conclude from the rudeness and simplicity of the arts of life among those Indians, that they enjoy the liberty, independence, and equality, which the system assumes to be the natural portion of all savage tribes; and they afterwards adduce the supposed freedom of these very Indians, as an example, in confirmation of the original hypothesis, from the assumed certainty of which, they had previously concluded, that those Indians must be living in a state of freedom.

But,

But, in fair argument, the theory in question would derive little support from the case of the American Indians. To infer from the present equality subsisting between the individuals of some Indian tribes, that the same equality had subsisted in those tribes, at all preceding periods, is by no means a just conclusion; even, if there had not been so many strong presumptions and direct testimonies, amounting to ample evidence of the contrary\*. It is still less fair to conclude from the equality subsisting at present in some American tribes, that a similar equality is the natural state of all nations equally rude and uncultivated. On the other hand, every instance of the prevalence either of despotic government, or of hereditary rank, in any of the rude tribes of America, furnishes an unequivocal exception to the fundamental assumption of the theory.

The celebrated historian, who has been already quoted on this subject, appears to have implicitly adopted, if not the whole of this imaginary theory, at least that part of it, which

\* See Appendix, No. I.

relates

relates to the freedom of nations†. Hence he expresses a degree of surprize at the existence of so many absolute governments in America. He regards them as instances of political authority, “being carried far beyond the degree which “was natural to rude nations.” He considers them as extraordinary phenomena in the history of human society. He thinks they are to be numbered among those “irregular and eccentric institutions, which start as it were from “their stations and fly off so wide, that we “LABOUR IN VAIN to bring them within the “general laws of any system; or to account “for them, by those principles, which influence communities in similar circumstances.” He concludes his account of the government of the Natches, with a remark of much the same import. “Thus, a perfect despotism, with its “full train of superstition, arrogance, and cru-

† These remarks were written before the death of Dr. Robertson. I hope they will not be construed to derogate, in any degree, from the high respect which I had been long accustomed to entertain for the character and talents of that justly celebrated author, on whose various merits, as an historian, if my praise were any tribute, it should be amply bestowed.

“ elty, is established among the Natches ; and,  
 “ by a singular fatality, that people has tasted  
 “ of the worst calamities incident to polished  
 “ nations, though they themselves are not far  
 “ advanced, beyond the tribes around them,  
 “ in civility and improvement.” So powerful  
 is the attachment to a favourite system, that  
 this discerning author attempts to reconcile  
 all the forms of governments, which were found  
 in America, to the theory which he had adopted ;  
 although he was fully aware, as we have seen,  
 of the arduousness of the undertaking. Rather  
 than depart from the principles of the theory,  
 which attaches freedom to rude nations, he  
 chooses to consider the numerous instances of  
 despotic government among the savage tribes of  
 America, as so many irregularities and devi-  
 ations from the general system, with which he  
 acknowledges their apparent inconsistency ; and  
 he accordingly labours to account for them,  
 by ascribing them to other causes, which, he  
 thought, did not affect the system.

In pursuing this attempt, the first cause,  
 which he assigns, is the operation of the laws of  
 another celebrated theory, which determines

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the freedom of nations; not by the stages of their rudeness and civilization, nor by the degrees of their proximity to a supposed state of nature, or their distance from it, but by degrees of latitude, or the heat or cold of their climate. In the sequel of this Treatise, an opportunity will be taken of considering the latter system more particularly. It is sufficient at present to observe with respect to it, that the two systems are obviously incompatible. Whoever espouses one of them, must, in order to maintain consistency, reject the other. If we were to admit the theory, which connects freedom with rudeness, it would lead us to pronounce some of the nations, which traverse the burning sands of Africa, to be the freest in the world; in direct contradiction to the theory which has consigned the natives of all hot climates to perpetual slavery. On the other hand; if we were to admit that cold generates liberty; we should be forced to conclude, that all northern nations must be invariably blessed with freedom, how much soever they may be polished and refined, which is in contradiction to the other system. Dr. Robertson possessed too much candour, and historical veracity, not to recollect and acknowledge

ledge on this point, that some tribes, which were reputed among the freest in America, lived within the torrid zone. On the other hand; the Natches were under a despotic government, although situated on the borders of the Mississippi, to the northward of the thirty-first degree of latitude; and might perhaps have extended as far northwards as the thirty-third degree: and if the difference, by which the cold of America surpasses that of Europe, be equal to twelve or fourteen degrees of latitude, as some have estimated, the Natches lived in a climate of much the same temperature with the southern, or middle provinces of France. On any system therefore, the climate of the Natches cannot justly be assigned as the cause either of their slavery, or despotism. Besides, it is certain, that chiefs possessed of despotic authority were found several degrees still farther to the northward. The influence of climate must therefore be deemed insufficient to account for the despotism of several American tribes.

Dr. Robertson, aware of this insufficiency, had recourse to the aid of another theory, and

assigned a difference in the mode of procuring subsistence, as an additional cause. Some tribes are said to have supported themselves chiefly by fishing and hunting, with very little supply from agriculture; an art, with which the first ideas of property are supposed, by some systematical writers, to have been introduced among men: other tribes had advanced a few steps farther in improvement; and had applied somewhat more to agriculture, and to a few other simple arts. Those arts, together with the concomitant ideas of property, are supposed to have excited passions, of which the operation terminated in firmly establishing the unlimited authority of one, the hereditary dignity of a few, and the permanent degradation and slavery of the rest. But, is it conceivable, that a mere commencement of progress in the arts, made by a tribe of savages, should reduce them to a state of the most servile subjection to a single chief; whilst all the individuals of the neighbouring tribes, because they were by some steps more backward in improvement, either through indolence, want of ingenuity, or any other impediment, should be thereby enabled to maintain the full possession of absolute independence

dence and equality? Such consequence must appear more singular and surprising than the supposed eccentricities of any American governments. Wherefore, this cause also must appear inadequate to the production of the effect ascribed to it.

Dr. Robertson attributes the rise and progress of despotism in America to the concurring influence of superstition, as his third and last cause.

That astonishing effects may be produced by this powerful principle, will be readily acknowledged by every one, who has paid any attention to the history of the influence, which it has often exerted; to the blindness, with which it directs; and to the force, with which it is capable of impelling the human mind. But a reference to its influence as a cause, in the present instance, serves only to shift, but not to solve the difficulty. In fact; all the American Indians appear to have been remarkably addicted to superstition. The worship of the sun, and of fire, the emblem of that luminary, appears to have been general over that whole continent.

Charlevoix informs us, that the temple of the Natches was the only one dedicated to the sun, which subsisted in his time; yet, that even then, it was held in great veneration by all the savages of the whole continent. He says, that formerly all the tribes or nations of Louisiana had their temples, as well as the Natches, with a perpetual fire in each. He deems it probable, that the Mobilian Indians had some kind of primacy over all the tribes in the neighbouring part of Florida; from this circumstance, that if any of their sacred fires happened to be extinguished by negligence, or accident; they were to have been rekindled at the fire of the Mobilian temple.† He says also, that the Hurons, a Canadian tribe, had a chief, whom he saw, and whose sceptre was hereditary, and that his own tribe believed him to be descended from the sun; a belief, which would seem not to have been wholly effaced by their conversion to Christianity. That the worship of the sun was established among the Mexicans, and Peruvians, and other nations, whom the Spaniards conquered, is too well known to require to be

† Charlevoix's Travels, letter xxix.



particularly specified. We are informed, that the Virginians used to make hallowed fires, and to cast some tobacco-powder on them for sacrifices ; and we learn from Hackluyt's voyages, that Davies, in searching for a north-west passage, found Indians, who were worshippers of the sun, between the sixty-fourth and the sixty-sixth degree of north latitude. Many traces of this superstition are still discernible in the customs of most tribes of American Indians. Thus, their present practice of torturing their prisoners of war by fire, is probably the remnant of an ancient superstitious practice of offering human sacrifices to the sun. This probability is corroborated, by the ample evidence transmitted to us of the ancient prevalence of the barbarous custom of sacrificing human victims to the sun, especially captives, in different countries of the old world. This indeed, and several other unnatural customs, which were found in America, and were exactly conformable to customs which are known to have anciently prevailed in Asia and Europe, would be altogether inexplicable, without the supposition of some former communication between America, and some parts of the ancient Continent : the single circumstance

of the same unaccountable customs being found in different countries, appears to furnish a very strong presumption, if not an absolute proof of the derivation of those customs from a common centre. \* The Calumet of Peace, or smoking out of the same pipe, as an emblem of friendship and alliance, a rite, which the Americans perform with great solemnity, with their faces directed towards the sun, evidently belongs to the ancient superstition of worshipping that luminary. A similar custom is said to be still existing in some parts of Asia. A variety of other superstitious opinions and observances, some of which were extremely childish; and above all, a firm belief in the supernatural power and influence of conjurors, or priests, are known, from numerous testimonies, to have prevailed in every part of America.

This universal prevalence of superstition in America, utterly disqualifies it from being justly admitted as the cause of despotism subsisting in some American governments, and not in others.

\* Some illustrations of this remark have been thrown into the Appendix, for reasons similar to those which have been mentioned in the Note, p. 27. See Appendix, No. 11.

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By what rule of distinction, could a general principle be supposed to have singled out some tribes to be enslaved, while it indulged their neighbours in the full enjoyment of all their native freedom? If it were alleged indeed, that those tribes alone, which were under absolute government, were addicted to superstition; while the freer tribes believed and practised a more rational system of religion; superstition might then, with some appearance of reason, be assigned as the cause of despotism in the former. But even in that case, the difficulty would be only shifted; and this question would still remain to be resolved; By what fatality were the enslaved tribes so much more deeply plunged in superstition, than their neighbours? No such difference, however, is pretended to have obtained, between the religious opinions, or practices of different tribes of American Indians. Even this source of supposed eccentricity in some American governments, must therefore be abandoned.

When even Dr. Robertson has been thus unsuccessful, in his endeavours to reconcile the  
exist-

existence of absolute governments in many parts of America, to the laws of the hypothesis, which allots freedom and equality to all rude nations; others may well be discouraged from a similar attempt.

§ E C T.

## S E C T. IV.

*America probably first peopled from the north-east of Asia — the first American colonists would probably preserve or imitate the political institutions of the country which they had left — this historical account of the origin of American despotism, much more natural and probable than Dr. Robertson's theoretic account.*

IN all political enquiries, history is a much surer guide than system: but where the light of history does not directly lead our way; we may sometimes reason from analogy, without much danger of falling into error. If we pursue this method, in our enquiries respecting the original governments of America, we shall arrive at conclusions directly the reverse of the doctrines of the above mentioned hypothesis. The arguments, which Dr. Robertson and several other writers have advanced, render it highly probable (and probability is all that ought to be expected on this point) that America was first peopled from the north-



north-east of Asia; although he thinks, that the Eskimaux, and a few tribes contiguous to them, may be the descendants of one, or more migrations, from the north-west of Europe\*.

Those

\* Danish and Icelandic writers appear to have established, that Greenland was peopled at a very early period, by colonies from Norway and Iceland; and that when the northern nations of Europe were converted to Christianity, those Greenland colonists also were converted. Several churches were built in Greenland; over which a succession of bishops continued to preside, till past the middle of the fourteenth century. (See Crantz's History of Greenland.) In the course of the various voyages of the Danes, Norwegians, and Icelanders to Greenland, some of them were driven to the coast of America; but, whether to Newfoundland, Labrador, or Canada, seems to be uncertain. They called the country, which they discovered Wineland; probably from the circumstance of their having found some grapes in it. It would appear that those northern colonists had found no inhabitants in Greenland on their first arrival there. The inhabitants, whom they found in Wineland, they denominated Schraellings. "But," says Crantz, "in the fourteenth century, these Schraellings, made their appearance all at once in Greenland, on the west side." He therefore thinks it the most probable opinion, that the savages of Greenland came first to that country, in the fourteenth century; and that their route was not from the east out of Europe, but from the west out of America. In farther confirmation of this opinion, he says, "from the  
" accounts

Those arguments are corroborated by later discoveries of the very small distance between the

“ accounts I have seen of the northern nations, I do not  
 “ perceive so much resemblance, or probable affinity to our  
 “ Greenlanders, either in the Laplanders, Samoides, or  
 “ Ostiaks that live north, or north-west, on the coasts of  
 “ the *Mare Glaciale*; as I do in the Kalmucks, Jakutes,  
 “ Tonguses, and Kamtschatdales, who inhabit the north-  
 “ east regions of Great Tartary, between the Ice Sea  
 “ and Mungalia.” But this is still farther confirmed by  
 a discovery, which was made by some Moravian brethren,  
 who had sailed from Greenland to Labrador, in the year  
 1764. Such of them as had acquired a knowledge of the  
 Greenland language, were able to converse with the Indians  
 of Labrador. This furnished a decisive proof that the  
 Eskimaux and Greenlanders were the same people. (See  
 Crantz’s History of Greenland, b. iv. c. 1.) The descrip-  
 tion of the Greenlanders corresponds also, in some respects,  
 with the general description of the American Indians.  
 Crantz says that, “ the Greenlanders have universally coal-  
 “ black, straight, strong, and long hair on their heads;  
 “ but they have seldom any beard, because they constantly  
 “ root it out.” (Crantz’s History of Greenland, b. iii. c. 1.)

From the appearance of those Schraellings in Greenland,  
 all at once in the fourteenth century, it is probable, that  
 their migration to Greenland was owing to their being  
 pushed from their settlements in Labrador, or the neigh-  
 bourhood of Hudson’s Bay, by some other American tribes  
 migrating

the continents of Asia and America. It is well known, that hereditary distinctions of rank have prevailed all over Asia from the earliest remembrance. In the north-west of Europe also, at the remotest period recorded in history, the bulk of the people were in a state of servitude. The first settlers of America would carry with them the religious, moral, and political ideas,

migrating from the westward, or the southward. Yet the Greenlanders and Eskimaux are said by some, to be in several other respects, so very unlike the rest of the American Indians, as to give room for arguing that those two races of people must have originally migrated to America from opposite sides of the globe. The opinion of Crantz, however, seems by much the most probable.

The ancient Norwegian inhabitants of Greenland are all extinct. But whether they perished by a pestilence, or by famine, and the severity of the climate, or by the sword of the invading Schraellings, or by a combination of these scourges, seems altogether uncertain. The civil wars, which broke out in the Scandinavian kingdoms, occasioned a total interruption of their communication with Greenland, for a considerable length of time. The first vessels, which arrived there, after the cessation of the civil wars, could discover no trace of their ancient colonists. The present Danish colony in Greenland went thither, since the commencement of this century.

which

which they had imbibed at home. Whether they moved from the north-east of Asia, or the north-west of Europe, they would arrive in their new settlements, with the political distinctions of their native country. Some have contended, on the authority of passages collected from ancient authors \*, that America was visited and even colonized by the ancient Phenicians, and afterwards by the Carthaginians. If this opinion should be thought well founded, it will not materially affect the conclusion meant to be drawn from this train of reasoning; because hereditary distinctions of rank were established among the ancient Phenicians, from the earliest account of them in history. They had kings, nobles, and slaves by inheritance. Thus far then we tread upon sure ground. Our next step must be in some degree conjectural: but a conjecture founded on just analogy, may amount to a high degree of probability. It is then highly probable, that, from whatever country the first American settlers emigrated, they would endeavour, as soon as they were able to form themselves

\* Herodotus, Plato, Aristotle, Pausanias, Diodorus Siculus, Seneca the tragedian, and Ammianus Marcellinus.

into

into political communities in their new settlements, to establish civil governments as near the models of those, to which they had been accustomed as their circumstances would admit. Such has ever been the conduct of colonists. The Phenician colonies that settled in Africa; the Grecian colonies that settled in the islands of the Archipelago, in Sicily, Italy, and Marseilles; the Roman colonies settled in Italy, or the provinces; and the modern European colonies, which settled in America, all adopted political arrangements, which were little more at the beginning, than copies of the institutions, established in their respective mother countries. So general a coincidence cannot be supposed accidental: in fact, it may be traced to principles, deeply rooted in the human mind. These chiefly are the influence of habit, and a proneness to imitation in preference to invention, together with the love of our country, and attachment to its constitution.

Thus we obtain a simple, consistent, and highly probable account of the origin of the despotic governments, which were found in America. They were attempts to imitate similar govern-



governments in Asia, differing probably, in some respects, from their patterns, even at their first establishment, as copies generally vary from their originals; and doubtless rendered still more different afterwards by alterations, which would be introduced by time and circumstances. A variety of other topics might be urged to illustrate and confirm this conclusion; arguments to that purpose might be deduced, from the existence in America of a superstition, a despotism, and hereditary privileges, exactly similar to those of ancient countries; and also from various American customs, which seem more likely to have been exotics transplanted from the old world, than to have sprung up naturally in the American woods: for instance, the practice of sacrificing wives and favourites at the tombs of chiefs; and dogs, at those of men of inferior dignity. Several other American observances and traditions might be urged, which had a manifest reference to political distinctions, corresponding to those existing in Asia and Europe. The stage of its career, in which despotism was found in America, by the first Spanish adventurers, might also be urged with peculiar propriety. Neither the authority of the

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chiefs,

chiefs, nor the dignity of the higher classes, had any appearance of being recent usurpations, or acquisitions. The hereditary slavery of some, the elevation of others, and the devoted submission of many to the will of some particular chief, appeared to form parts of an ancient system; and were held, in the general opinion, to be matters of duty, right, and sacred obligation. This sentiment was deeply impressed, like all those firmly rooted principles or prejudices of a people, which have been transmitted through a long series of ancestry, carefully instilled from early infancy, and rivetted on every mind.

Such then, it is probable, was the origin of civil government in America. The case to be resolved is therefore reversed; and an account may be required, not of the rise of American despotism, but of the departure of so many American tribes from the system of political distinctions, and absolute authority in government, which they had inherited from their ancestors; and the gradual introduction of the system of equality, now alleged to be so prevalent among them. But this is obviously a much easier task,

SECT. 4.] OF CIVIL GOVERNMENT. 51

task, than to account for the existence of despotic governments among the rude Americans; on the principles of the romantic theory, which has been founded on an imaginary state of nature, and which allots freedom and equality to all savage nations. The progressive downfall of some of the despotic governments, which were probably established by the original colonists of America, may reasonably be ascribed to the various circumstances incident to a people arriving in new and uncultivated settlements, and to the subsequent dispersion of their descendants, over so great a variety of soils and climates; but still more, to the numerous revolutions, which have been effected among them, since the European conquests in their country. These circumstances had a direct, powerful, and even an irresistible tendency to interrupt the customary administration of their civil governments; to lessen the power and undermine the authority of their political rulers; and to confound and level their distinctions of rank.

## S E C T. V.

*The preceding view of the state of civil society among the American Indians removes an alleged exception to the general law of the necessity of civil government—takes away the main support of the romantic, absurd, and dangerous theory which connects civil liberty with barbarism; and slavery and despotism, with civilization—and is unfavourable, if not fatal, to the theory, which divides the progress of society into a certain number of artificial stages.*

THE principal inducement for dwelling thus long, in this chapter, on the case of the American Indians, has been, that some have found an exception to the general law of the necessity of civil government, in the representations, which have been sometimes given of the state of social union, among those uncultivated tribes. The removal of this alleged exception, by an elucidation founded on facts in opposition to theory, has been judged an object of importance.

Another

Another inducement has been to endeavour to withdraw one of its principal supports from the system already stated,\* which connects freedom, with ignorance and barbarism; and slavery and despotism, with knowledge, civility, and improvement; a system as dangerous as it is romantic and unfounded; and which, if any nation should ever become absurd enough to attempt to reduce its doctrines to practice, would soon produce the most deplorable effects†. Its con-

\* Section 2, of this chapter.

† To ascribe to paroxysms of vanity operating on an imagination, which was ardent and distempered, and not always well informed, the efforts which Rousseau has made to decry civilization and science, and to recommend ignorance and barbarism, may perhaps be thought too slight a censure. At the same time it may be remarked, in extenuation of the heavy guilt which Rousseau has contracted, by exerting the uncommon powers of his eloquence to inculcate a system so baneful to the happiness of society, that he maintained a kind of consistency on the subject. Other partisans of the theory admitted its principles, but shrunk from their consequences, and would doubtless have joined in reprobating them. Rousseau had the boldness of spirit, or the temerity, but yet the honesty to avow the system, with all its inferences, however absurd or inconsistent. Yet it may be proper to observe, that his avowal



contradiction to the general law of the necessity of civil government, is far from being its most alarming feature.

The view, which has been given in this chapter, of the state of civil government among the American Indians, is unfavourable also, if not fatal to another theory, which has been lately formed into a popular system, and which seems to have been generally adopted without examination. This is the second of the theories mentioned in the second section, as contradictory to the doctrine of the necessity of civil government. It has been mentioned also in the third section, as furnishing Dr. Robertson with one of the causes, which he assigns for the origin of despotism in America.

This theory divides human society, with respect to its progress towards civilization, into a certain number of periods, having severally their peculiar customs, manners, institutions, religion, and forms of government; and as exactly discriminated, as a number of battalions in different uniforms; or as different beds in a garden, un-  
of paradoxes cannot justly intitle him to the august name  
of Philosopher.

like

like the irregular profusion of plants in a natural lawn. According to this theory, men, in the first period of society were all hunters; in the second, shepherds; and in the third, husbandmen. During these three periods, they were savages; although somewhat more refined in the second period, than they had been in the first; and in the third period, somewhat more refined than in the second. In the fourth period, some of them became artisans and manufacturers; and in the fifth, they became commercial, opulent, and civilized.

This theory is evidently a superstructure reared on the foundation of an imaginary state of nature, somewhat resembling that, which has been already explained. Some ancient philosophers believed and taught, that the first human beings were produced by the heat of the sun, from the mud of the recent earth, which was thought to be prolific; and that, for some time, they continued to exist as solitary individuals, feeding on fruits and herbs.† The fable of the

† Diod. Siculus, lib. 1, pag. 5 & 6, ed. Rodoman. To this opinion doubtless Horace alludes in his ode to Mercury:

the golden age was evidently connected with this opinion. The theory which we are now

Qui feros cultus hominum RECENTUM

Voce formasti catus, et decoræ

More Palæstræ.

L. 1. Od. 10.

Horace here adopts the Grecian doctrine, that music including poetry, and the gymnastic exercises, were the great instruments, by which men were brought from their original rudeness to civilization: agreeably to this doctrine, music and those exercises formed in Greece the two great branches of education for youth; and they continued to be the amusement and delight, and sometimes the practice, of men in riper years. It was from this doctrine, that the poets fabled the very trees and stones to have listened to the lyre of Orpheus, and the charms of Amphion's music to have drawn after him the stones, with which the walls of Thebes were built.

Cicero, to recommend oratory, makes eloquence the instrument of civilization. Nam fuit quoddam tempus, cum in agris homines passim bestiarum more vagabantur, et sibi victu ferino vitam propagabant, nec ratione animi quidquam sed pleraque viribus corporis administrabant. Cic. de inventione, l. 1. From this state, he says, they were brought into society by eloquence. Quævis alia potuit, aut dispersos homines, unum in locum congregare, aut a fera agrestique vita, ad hunc humanum cultum civilemque deducere? De Oratore, lib. 1.—Orationis vim, quæ conciliatrix est humanæ maxime societatis. De Legibus, l. 1. c. 9.

consider-

considering, does not, like that of the ancients, pretend to give any account of the origin of the first human beings; nor does it take any notice of the period, during which they might have continued solitary: it starts with them after they were already become carnivorous, and hunting animals; or in the first period of their society, although not perhaps of their existence.

This artificial system, if it were generally adopted, would have an obvious tendency to discourage and supersede the study of history and ancient learning. A knowledge of the distinctive characters of the several periods, into which this theory divides the progress of society, may be acquired by the study, or rather the amusement of a few hours; and a person, who espouses the theory, will naturally conceive, that when he is possessed of this knowledge, he may become thoroughly acquainted with all that is useful in the general history of the human species, without any farther study than the use of a double index, having one part to direct him to the states or nations, into which the world is known to have been at any time divided;

vided; and another part to point out the duration of the different periods of society in different countries, according to his theory. However simple and beautiful such a system might appear in contemplation, it would be widely different from real history. It is evident that the general adoption of this theory in a nation would be a public misfortune; if it be an object of importance, that the cultivation of ancient learning should be held in estimation.

We have also to observe, that, according to this theory, manufacture and traffic are the great instruments of civilization and refinement; that the acquisition of riches is the great object, to which the efforts of mankind ought to be directed; and the possession of the greatest possible national wealth, the summit of political happiness. Yet this seems contrary to the result of Lord Bacon's reflections on the vicissitude of things, suggested, doubtless, by the history of several ancient nations. He says, that arms flourish in the youth of a state; in its middle age, learning; and then, both together for a time; and in the declining age of a state, mechanical



chanical arts and merchandize.\* If these maxims were invariably just, the introduction of arts and commerce ought to be prevented as much as possible, in order to retard the decline of a state. And here we may likewise remark, that stating manufacture and traffic to be the instruments of civilizing mankind, appears difficult to reconcile with a doctrine advanced by the great patron of this theory. The interest of master-manufacturers and merchants, according to Smith, is often different from, and even opposite to that of the community; and it generally leads them to deceive and oppress the public. But it seems harsh to say, that the deceivers and oppressors of the public, are the civilizers and refiners of the world.

It may not be improper to observe also, that this theory is contrary to the opinion of those Grecian philosophers who held the pursuit of traffic to be low and mercenary, and inconsistent with the practice of virtue; and thought, that

\* Lord Bacon's Works, vol. 3. Essay Civil and Moral, Essay lix.

both

both manufacture and traffic were degrading to the character of a freeman: they referred civilization to a source more elegant, yet not more fabulous, music and the gymnastic exercises.

This theory is also contrary to the opinion of all those who conceive, that the general practice of virtue would conduce to political happiness, more than the possession of wealth; and that a community consisting chiefly of virtuous citizens, with little wealth, would be much happier than a wealthy society with little virtue.

On the whole, we need not hesitate to denominate this theory the Mercantile System of Politics. Its principles and maxims may serve as an excellent foundation for commercial regulations, or financial arrangements: but I hope it will not be deemed arrogance to say, that their extension to general political science was ill-judged and erroneous.

This system represents men in the first or hunter period of society as poor and barbarous,  
without

without distinction of birth or rank, without subordination, and without either sovereign or republic; in short, without any civil government, which, according to this theory, their poverty renders unnecessary. † The American Indians are almost the only specimens offered by the framers of the system to prove, or to exemplify, their first period of society. With how little justice, those Indians have been pressed into that service, it is presumed the attentive and impartial reader must have already remarked. ‡ The numerous exceptions therefore to the necessity of civil government, which

† Smith's Wealth of Nations.

‡ In studying the real history of nations, we discover innumerable instances of political arrangements, as well as of customs and manners, which we find to have been widely different from those, which this theory has assigned to the artificial periods, into which it has divided the progress of society. Such instances must therefore appear unaccountable, on the principles of the theory. Thus, the slavery of the fair sex has been assumed as one of the distinctive characters of a rude state of manners. Some illustration of the contrast between this assumption, and the well-attested facts of history, will be found in the Appendix, No. III.

the

the advocates of this system assume to have existed in what they call the Hunter and the Shepherd periods of society, are to be found only in their own imaginary theories, without a single instance in the authentic history of any nation to support the doctrine.

SECT.

S E C T. VI.

*First principle in the science of politics, that  
civil government is necessary.*

TO conclude this chapter, we are evidently authorized, by reasons chiefly founded on uniform experience, to lay down as a fixed and fundamental principle in politics; that some kind of civil government is indispensably necessary to enable any considerable number of human beings to live with comfort in society.

CHAP.



SECTION VI.

First principle in the science of politics, that civil government is necessary.

To conclude this chapter, we are evidently authorized, by reasons chiefly founded on uniform experience, to lay down as a fixed and fundamental principle in politics; that some kind of civil government is indispensably necessary to enable any considerable number of human beings to live with comfort in society.

## CHAP. III.

### OF THE ENDS OF CIVIL GOVERNMENT.

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#### SECT. I.

*Ends of civil government—to promote knowledge and virtue, and to guard society against the effects of folly and wickedness—to prevent or supply the wants of the society—to protect the society from foreign injuries—to adopt all other beneficial regulations, and subordinate arrangements. Second principle in politics—that political happiness is the great end of civil government.*

THE ends of civil government are clearly deducible from the reasons, which evince its necessity, and are either internal or external, with respect to the community. Ignorance, folly, and iniquity, as has been stated in the preceding chapter, produce innumerable disorders in human life, which disturb the peace and imbitter the comforts of society; and

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which,

which, without the controul of civil government, would unquestionably involve mankind in still greater calamities and afflictions. Hence we may readily discover, that to prevent or repress such disorders, must be the chief internal end of civil government. This end obviously divides itself into two branches: one consists in promoting virtue by the diffusion of knowledge, the discouragement of vice, and the distinction of merit; the other consists in restraining and punishing crimes, in order, as far as possible, to prevent the ignorance and wickedness of some, from injuring or annoying others, either collectively or individually. Although these ends may not be completely attained, yet they are likely to be more efficaciously promoted by general regulations, than by arbitrary, or occasional exertions of authority and power. This great end of civil government may be therefore stated to consist in the important business of enacting, superintending, and enforcing laws adapted to the purposes which have been specified.†

† Ita se res habet, ut, quoniam vitiorum emendatricem legem esse oportet, commendatricemque virtutum, ab ea vivendi doctrina ducatur. Cic. de Legibus, l. 1, c. 22.

And

And here religion comes to the aid of civil government. The question has been agitated, whether a nation consisting wholly of Atheists could subsist for any length of time, as a political community? This may be made a subject of disputation; but it has never been, and probably never will be brought to the test of experience. A belief in some superior overruling intelligence, or intelligences, may be confidently asserted to have obtained in every age, and in every clime; and it seems extremely improbable, that it ever can be obliterated in any country. A determined Atheist may, doubtless, have argued himself into unbelief respecting the existence of a deity; and may communicate to the world the discovery, which he thinks he has made, of the fallacy or inconclusiveness of the arguments, on which others found their religious belief; thereby contributing to deprive the afflicted of the consolations which religion holds forth to its votaries, and likewise to take from virtue the support which it may receive from the influence of religious principles on the conduct of life, even when there is no human eye to witness, nor any danger of detection, if a crime should be committed. But

an Atheist can go no farther, and is unable to prove the negative of the belief which he rejects; he cannot pretend to adduce the slightest positive evidence, that no deity exists. This being the case, to apprehend that all belief in a deity can ever be eradicated from the minds of the generality of men in any country, would argue a want of knowledge of human nature. We are therefore authorized to say, that, through the diffusion of knowledge and a proper education, civil government may derive considerable aid from the influence of religious principles, towards the attainment of the great internal end of its institution.

Another internal use of civil government, is to take due precautions, through the encouragement or direction of industry, or other methods, for supplying the community with a competent provision of the necessaries, conveniences, and comforts of life, when public interference may be requisite for that purpose. †

† *Atque etiam omnes, qui rempublicam gubernabant consulere debebunt, ut earum rerum copia sit, quæ sint necessariae. Cic. de Off. l. 11, c. 21.*

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SECT. 1.] OF CIVIL GOVERNMENT. 69

The external ends of civil government, evidently are to cultivate and maintain a good understanding and friendly intercourse with surrounding nations ; but at the same time, to repel foreign invasions, and to protect and secure the community from foreign injuries.

If the general security, accommodation, or improvement should require any regulations or measures to be adopted, which are not included in the ends already specified ; to prescribe or execute all such regulations or measures, whether internally or externally, may be stated as another end of civil government.

It is obvious also, that to civil government belongs the establishment of such subordinate arrangements, as may become necessary from their subserviency to the promotion of the primary purposes, which have been enumerated.

Whether we thus consider the reasons of the necessity, which it was the business of the preceding chapter to establish, as they branch towards particular objects ; or regard them in a general view ; they equally lead us to conclude,

that public utility, or the general happiness of the political community, is the great end of civil government. This important truth we may therefore lay down, as a second fixed principle in the science of politics; and upon it, much of our subsequent reasoning will be founded,

From this principle, we may fairly deduce as a general maxim, that the true standard, for ascertaining the comparative excellence of particular forms of government, is their fitness to produce the greatest amount of public happiness. Will it not be thought superfluous to add, that, by public happiness is meant the aggregate of the happiness of individuals; and that, consequently, the best form of government must be that, which has the most effectual tendency to secure the political happiness of all the individuals composing the political community? †

† Οἷ μεν οὐν ἀναγκαῖον εἶναι πολιτεῖαν ἀρίστην ταύτην, καθ' ἣν ταξίν ὅστισιν ἀρίστα πρᾶττοι καὶ ζῶν μακαρίως, φανερὸν. Aristot. Polit. I. vii. c. 2.

Ἐπεὶ δὲ τογχανομεν σκοποῦντες περὶ τῆς ἀρίστης πολιτείας, αὕτη ὅστις καθ' ἣν ἡ πόλις ἀν εἴη μαλίστ, εὐδαιμων, τὴν δὲ εὐδαιμονίαν ὅτι χωρὶς ἀρίστης ἀδύνατον ὑπαρχειν. Aristot. Polit. I. vii. c. 9.

SECT.

## S E C T. II.

*Happiness—individual—social—and political.*

*The component parts of political happiness correspond to the ends of civil government—and to the reasons which prove that civil government is necessary.*

IF we consider man as an individual, without any reference to social relations, his nearest approach to happiness in the present stage of his existence, may be stated to consist in active pursuit, directed by reason, conformable to virtue, and urged by well regulated affections; and in the enjoyment of health, with a competent portion of those external advantages, which some ancient philosophers called “the gifts of fortune,” and some modern writers have termed “ease and pleasure.” It may be proper, at the same time, to observe, that, to entitle a man to the denomination of a virtuous character; he must invariably sacrifice pleasure, ease, and interest, to duty, when they come in competition.

By the constitution of our nature, we are fitted to receive pleasure, or pain, from the enjoyments, or sufferings, of others; as well as from their intercourse, affections, and behaviour. Hence, our social happiness may be stated to consist in the gratifications which we derive from the virtuous conduct and enjoyments of persons around us, of those especially, with whom we are more immediately connected; and probably still more, from their kind affections, courteous behaviour, and friendly offices.

As members of political society, our happiness may be comprised in a few particulars corresponding to the ends of civil government, and to the grounds of its necessity. We are liable to sustain various injuries from the misconduct of others, and from their attempts to make undue encroachments on our individual or social happiness. This constitutes the principal ground of the necessity of civil government, as stated in the first section of the second chapter: and its correspondent use, as stated in the first section of this chapter, is to promote wisdom and virtue, and to guard society against the

the effects of their deficiency. The branch of our political happiness corresponding to this end, evidently, consists in the progress of national virtue, and in the protection against injuries and crimes, which we ought to derive from civil government. This protection affords to every member of the political community, the best remedies for the evils which proceed from the defects of wisdom and virtue in his neighbours and associates. It constitutes the most essential and valuable branch of political happiness. It includes security from encroachments on a man's liberty, or property; and from violence or injury to his person or good name.

Another branch of political happiness consists in the wisdom of the regulations adopted for the encouragement, or direction, of industry; and in the prudence of the precautions taken, or the provision made for the supply or relief of such wants or exigencies within the community, as may require public interference or assistance.

A third important branch of political happiness consists in the public safety, enjoyed through



through the wisdom and efficacy of the measures pursued for defending the community against foreign hostility, when conciliatory measures, for the maintenance of harmony with foreign nations, become ineffectual.

Such advantages as may result from the adoption of any other regulations or measures, deemed subservient to the general benefit, may be said to constitute a branch of political happiness, distinct from those which have been specified.

Although the happiness of man, as an individual, may be thus distinguished from his social happiness, and both from that which he enjoys as a member of political society; the separation is obviously an ideal abstraction, adopted merely for the greater precision of explanation, but not existing in reality. If we possess the advantages, which constitute political happiness, and which it is the business of civil government to procure; they must form a considerable addition to what has been distinguished as our individual and social happiness. Our possession of those advantages would have a powerful

powerful tendency to improve our characters as individuals, and to enlarge the sphere of our gratifications; and as beings endued with social affections, the reflection, that similar advantages were enjoyed by others around us, must contribute to our felicity.

From the reasoning pursued in this and the preceding section, it evidently appears, that the best form of government is that, which tends most effectually to secure all the political advantages, which have been specified.

## S E C T. III.

*Political or civil liberty defined—erroneous definition of Montesquieu—consent does not constitute civil liberty—division of liberty into political and civil, unnecessary.*

SUCH vague or inaccurate notions of civil liberty have been advanced by different writers, that it appears necessary, before we proceed farther, to define this constituent branch of political happiness.

A man's civil liberty then consists in his unlimited freedom to adopt that plan of life, or to pursue those measures, which he conceives to be conducive to his happiness, accompanied with the secure enjoyment of the fruits of his industry; but under the restriction, imposed by civil government, of refraining from all injury to others.

It is in the security and freedom derived from the restraints, which civil government opposes to injuries, that civil liberty consists. If any  
members

members of the political community were permitted to injure any of their fellow citizens, not only the injured persons, but all who were liable to injuries, would be distant from the enjoyment of civil liberty proportionably to the degree in which the injuries they sustained, or might apprehend, were left unrestrained by civil government.

The definition here given of civil liberty serves to mark, not only the precise boundaries, which separate civil liberty from licentiousness; but those also, which distinguish just government from tyranny. As civil government cannot answer the great internal end of its institution, without imposing on all the members of the community the salutary restriction of refraining from injuries; we must, by obvious and undeniable consequence, understand civil liberty to be confined within the bounds of justice.† The moment we step beyond the limits

† Neque vero hoc solum natura, id est, jure gentium, sed etiam legibus populorum, quibus, in singulis civitatibus, reipublicæ continentur, eodem modo constitutum est, ut non liceret sui commodi causa, nocere alteri: hoc spectant

limits which this cardinal and sacred virtue prescribes, we enter the boundless region of licentiousness. In like manner, when the restraints, which civil government imposes on conduct, or the exercise of will, are either inadequate, or not necessary to the great purpose of general security from injuries; in the former case, it incurs the imputation of negligence, or weakness; in the latter, of partiality and tyranny; and in both cases, of injustice: but such restrictions, as are necessary to the maintenance of the general security implied in civil liberty, and wisely adapted to that purpose, are the unequivocal indications of just government.

Some political constitutions have been judged by theorists, or have been found by experience, to be more favourable to civil liberty than others: whence the nations, which live under the former, are said, by an easy transition of language, to have free constitutions. Such fa-

spectant leges, hoc volunt, incolumem esse civium conjunctionem. Cic. de Officiis, l. iii, c. 5.

Ἡ γὰρ δίκη πολιτικῆς κοινωνίας τάξις ἐστὶ. ἡ δὲ δίκη τοῦ δικαίου πρὸς τοὺς ἀδικούντας. Arist. Pol. l. i, c. 2.

vourable



vourable tendency is, however, essentially different from civil liberty.

Montesquieu makes political or civil liberty to consist in "the power of doing what we ought to will; and in not doing what we ought not to will."† But this definition is evidently too general, and is indeed inapplicable to the subject. In the next paragraph, he defines *liberty* to be, "the right of doing whatever the laws permit." This second definition was doubtless intended to correct the obvious want of precision in the first: but it appears defective. The prohibitions of the law may be unnecessarily extended; or they may be partial or oppressive to any supposable degree. In such cases, the right of doing whatever the laws permit, would fall proportionably short of civil liberty. In order to complete the second definition, it was necessary to have added, that the laws must be just, and afford equal protection and security to all men.

† *Esprit des Loix*, l. xi, c. 3.

Some

Some have made civil liberty to consist, in the consent of the members of a political community being given to the formation of their political constitution, and to all the laws by which they are governed. But this definition is still more inaccurate than the preceding; inasmuch as the question here is neither concerning the right of civil government; nor concerning the most probable method of acquiring, or maintaining civil liberty. An individual may voluntarily surrender his personal freedom to another: in like manner, a people may consent to be governed by a bad constitution; and by a code of the most unjust and tyrannical laws; and it is evident, that no consent would entitle the condition of a people, under such circumstances, to be denominated a state of civil liberty.

Some late writers have attempted to establish a distinction between political and civil liberty: the distinction, however, appears to be as unnecessary, as it is new and unsupported by etymology. Political liberty, thus separated and distinguished from civil liberty, has been explained to consist in "the condition of a people  
" secure from danger or apprehension, in its  
" collective

"collective relation to the government it has  
 "appointed." † But this condition of a people  
 is comprehended in the definition of civil li-  
 berty, which has been offered in this section.  
 According to that definition, civil liberty can-  
 not be said to be enjoyed by any political com-  
 munity, which is not secure from danger, or  
 apprehension, in its collective, or individual  
 relation to its government, or to any part what-  
 ever of itself, excepting such apprehensions as  
 may be excited by the means which civil govern-  
 ment must employ, in order to maintain that very  
 security. Doubtless, we may branch political, or  
 civil liberty into a variety of divisions, correspond-  
 ing to the various relations of the individuals or  
 classes of people that enjoy the security, which  
 it implies; and separate names may be given  
 to such divisions; and names for new distinctions  
 in science are, in some measure, arbitrary.  
 Thus, the security of that part of the commu-  
 nity, which is governed, in its relation to those  
 who hold the government, may form one divi-  
 sion; the security of political rulers, relatively  
 to the rest of the community, may form another  
 division; the security of every individual, in

† Williams's Lectures on Political Principles.

his relation to his neighbour, to the ecclesiastical, the military, the juridical, or to any other part of the community, or to the whole people, may form so many other branches of civil liberty. If any one should contend for the propriety, or utility of introducing these, or any other accurate divisions of a common term, which comprehends them all, the matter does not appear worth contesting.

SECT.

## S E C T. IV.

*Dr. Price's definition of civil liberty, erroneous.*

*Mr. Locke's theory of the origin and foundation of civil government—his definition of civil liberty correct, although expressed in the language of his theory. Dr. Priestley's attempt to refine on Mr. Locke's definition, unsuccessful. Definition of the French constituent assembly clear, concise, and correct, as far as it goes, but withal defective.*

THE late Dr. Price, in his Observations on the Nature of Civil Liberty and the Principles of Government, in order to arrive at his intended conclusion, namely that the legislative interference of the British parliament had deprived the British colonies in America of civil liberty, stated that invaluable blessing to consist in the freedom of a community as a whole, from the legislative authority, or controul of any foreign power; yet immediately afterwards, we find him explaining civil liberty, as denoting no more than the freedom of the majority only. These two notions are obviously distinct; yet in Dr. Price's



subsequent reasoning on the subject, they seem to be confounded, or employed ambiguously, as appeared to suit his argument. After a short consideration of physical, moral, and religious liberty; he says, "in like manner, civil liberty is the power of a civil society or state to govern itself, by its own discretion, or, by laws of its own making, without being subject to any foreign direction, or to the imposition of any extraneous will or power." He wishes it to be observed, that there is one general idea, which runs through the definitions which he had given of the different kinds of liberty; "the idea of self-direction, or self-government." In order to illustrate this observation, as it respected his definition of civil liberty, he adds, "the community also that is governed, not by itself, but by some will independent of it, and over which it has no controul, wants civil liberty. In all these cases, there is a force opposed to the agent's free will; and which, as far as it operates, produces servitude." After applying this observation to the three kinds of liberty first mentioned, he continues, "and in the last case, it is any will distinct from that of the majority

" of

“ of a community, which claims a power of  
 “ making laws for it, and disposing of its  
 “ property. This it is, I think, that marks  
 “ the limit, or that lays the line, between li-  
 “ berty and slavery. As far as, in any instance,  
 “ the operation of any cause comes in to restrain  
 “ the power of self-government; so far slavery  
 “ is introduced; nor do I think, that a pre-  
 “ ciser idea than this of liberty and slavery can  
 “ be formed.”†

This definition of civil liberty, notwith-  
 standing the fond opinion of its author, may be  
 easily shewn to possess neither accuracy nor pre-  
 cision. The freedom of a political community,  
 from subjection to foreign power or controul,  
 constitutes its independence, and not its civil  
 liberty: the latter is properly internal, with re-  
 spect to the community; whereas the former  
 respects the connexion of a country with some  
 foreign government. If independence consti-  
 tuted civil liberty; then a nation, which groaned

† Dr. Price's Observation on the Nature of Civil Liberty,  
 and the Principles of Government, &c. part I. sect. 1, edit.  
 printed in 1776, from some London edition later than the  
 fourth.

under the most tyrannical internal despotism, might be said to enjoy civil liberty, if it were exempt from foreign jurisdiction. Doubtless the independence of a state may, with propriety, be stiled its freedom; and has often been so termed, both by ancient and modern writers. But this freedom having reference only to external force or influence, is widely different from civil liberty, which respects internal civil government. How far independence may be necessary to the establishment, or enjoyment of civil liberty, is not here the subject of enquiry. If that necessity were admitted in its fullest extent, it would be far from establishing an identity of signification between civil liberty, and freedom from foreign subjection.

The other idea of civil liberty, which Dr. Price has sometimes combined, and at other times confounded with the preceding, is still more objectionable as a definition. There is no certainty, that a majority, holding the civil government of a political community, may not enact unjust and oppressive laws, and exercise authority iniquitously, by persecuting an opposing, dissenting, or otherwise obnoxious, minority, with

with relentless, yet undeserved, severity. In any such case, the minority would be in servitude, according to the reasoning of Dr. Price himself; because there would be a force opposed to their will as agents: or, as he farther expresses himself, they would be in servitude, from the operation of a cause, which restrained their power of self-government. As the voice of the many is a very fallacious test of truth, or reasonableness in matters of opinion; so the consent of the greater number is equally unfit to be admitted, as the standard of liberty in conduct. The will of the majority has been often known to be the law of the strongest, setting reason, liberty, and justice at defiance.

Of the several definitions of civil liberty then, which have been hitherto quoted in this section, that of Dr. Price is, beyond comparison, the most inaccurate and vague. Led away by the ardor of his zeal to justify the conduct of the British colonies in America, he appears, at the time of writing his *Observations on Civil Liberty*, to have lost sight of the design of civil government: he has disregarded the authority of those texts of scripture, which re-

present civil magistrates, as appointed to bear the sword (doubtless of justice), and to be a terror to evil-doers; or, at least, he has overlooked their obvious import. By what human contrivance, can any civil government maintain civil liberty, without opposing even force, when requisite, to the exertions of the will of any agents, who may be inclined to injure either the community in general, or any part of it. Yet, under a government, which should fully answer this great end of its institution, perfect characters alone could be justly said to be in a state of civil liberty, if servitude consisted in restraint on self-government; or, in the circumstance of will being liable to be opposed by force. On this idea indeed, was partly founded the doctrine of the ancient Stoics, who taught, that the virtuous man alone was free. † As, on the one hand, it is the business of civil government to restrain from injuries; so, on the other hand, it is incumbent on every member of the political community to relinquish so much

† *Judex vero quantum habet dominatum? Quo timore nocentes afficit? An non omnis metus servitus?* Cic. *Paradoxa*.

of



of his enjoyments, and to contribute such portions of his time, property, or personal services, as may be requisite and just: he is bounden to observe the regulations, and to obey the laws enacted for the general good: † he must be ready to expose, nay, to sacrifice his life in defence of the community; and if he should shew reluctance respecting any of these just claims upon him, the employment of compulsion, in order to secure his compliance, may be justifiable, and even necessary. Any forbearance, which civil government might, in such cases, shew to some, might be extreme injustice, with respect to others. It is indeed so evident, that there are certain restraints on private will, certain limitations of the power of self-government, to which every member of a political community must submit, in order to be entitled to the benefit of civil liberty, that, to some it may appear superfluous to have dwelt so long, on a truth so clear and obvious. But, as Dr. Price has been stiled the Apostle of Li-

† Legum ministri magistratus; legum interpretes iudices; legum ideireo omnes servi sumus, ut liberi esse possimus. Cic. Orat. pro Cluentio.

berty, and his statement of its nature has been referred to, as the standard of just opinion on the subject, it has been deemed of some importance to expose the inaccuracy of his definition; whence will appear the correspondent ambiguity of the principles which he assumed, and the consequent fallacy of his reasoning from them.

In his preface to one edition of the tract under consideration, Dr. Price says, that if it should be found to contain any new matter, it would be partly in his Observations on Civil Liberty. In his preface to another edition, he says, that the principles, from which he had argued, were those, which form the foundation of every state, as far as it is free; and that they were the same with those taught by Mr. Locke, and all the other writers on government, who had, till that time, been most admired in this country. These two assertions appear difficult to reconcile with each other: the novelty of some of Dr. Price's observations on civil liberty may be admitted; but their want of conformity to the principles of Mr. Locke might be easily shewn, if that were an object of importance; and the incorrectness of the assertion, that the principles,

principles, which Dr. Price advanced, are those, which form the basis of the freedom of states, is sufficiently evident from what has been already urged on the subject; unless by the freedom of states, we understand their independence, and not their civil liberty.

No writer, perhaps, has contributed more to elucidate the true principles of the science of politics, than Mr. Locke. He principally founds his reasoning on the supposition of the existence of a state of nature, which he thus defines: "Men living together, according to reason, without a common superior on earth, with authority to judge between them, is properly the state of nature."† He says, that men are under the law of nature in such a state, and that, during its continuance, the execution of that law, "is put into every man's hands, whereby every one has a right to punish the transgressors of it, to such a degree, as may hinder its violation."‡ He says,

† Locke on Government, book ii. chap. 2. folio edit. of 1714.

‡ Locke on Government, book ii. chap. 2.

"Force,

"Force, or a declared design of force upon  
 "the person of another; where there is no  
 "common superior on earth to appeal to for  
 "relief, is the state of war."† and adds,  
 "Want of a common judge with authority,  
 "puts all men in a state of nature; force, with-  
 "out right, upon a man's person, makes a  
 "state of war; both where there is, and where  
 "is not a common judge." He says, that "to  
 "avoid this state of war (where there is no appeal  
 "but to Heaven, and wherein every the least  
 "difference is apt to end, where there is no  
 "authority to decide between the contenders)  
 "is one great reason of men's putting them-  
 "selves into society, and quitting the state of  
 "nature."‡ But that, "as men are by nature  
 "free, equal, and independent; no man can  
 "be put out of that estate, and subjected to  
 "the political power of another, without his  
 "own consent;" that when any number of  
 "men so consent to unite into a community, for  
 "their mutual benefit, the majority of them ac-  
 "quire a right to act, and bind the rest: and that  
 "this original consent, or compact, is what con-

† Locke on Government, book ii. c. 3. ‡ Ibid.

stitutes a political society, or commonwealth: that the majority may employ all the power they derive from the stipulations of the original compact, in making and executing laws, for the good of the community; or that they may delegate their power as a trust to a select few; or to one†; and that the supreme power, thus delegated, must remain sacred and inviolable in the hands of those, to whom the people hath entrusted it; till, in the opinion of the people, they incur a forfeiture.

It is much to be regretted, that Mr. Locke assumed an hypothesis, as the basis of his political theory; partly on account of the cavils and objections, which have been urged against deducing practical maxims of government, from an imaginary state of human existence, and from what may be termed a fictitious compact; and partly because the chain of his arguments is sometimes embarrassed, by being interwoven with his hypothesis. Of this embarrassment we have an instance, in his ideas on taxation. He says, “that the supreme power in a state cannot

† Locke on Government, book ii. c. 8.

“ take



“take any part of a man’s property without his  
 “down consent.” Mr. Locke does not here  
 understand property in the extended sense, in  
 which he has, in one place, defined it, as com-  
 prehending life, liberty, and property: he does  
 not mean that, the explicit consent of all the  
 members of the community, or of the majority  
 of them, either by themselves or by their re-  
 presentatives, was necessary to authorise their  
 government to enact any law, by the operation  
 of which, some of them might be deprived of  
 liberty and life, as well as of any other share  
 of their general property: he does not mean,  
 that a government cannot possess a just legisla-  
 tive authority, unless a popular assembly form  
 one of its constituent branches; nor to repro-  
 bate the delegation of supreme legislative power  
 to a few, or to one, as unlawful and unjust.  
 He understood property here in its usual limited  
 sense exclusively. This evidently appears from  
 the conclusion of the chapter, from which the  
 last quotation is taken. He there recapitu-  
 lates the restrictions on the *legislative*; and  
 reckons one of them to be, that it must not

‡ Locke on Government, book ii. c. 3. sect. 138.

raise taxes, without the consent of the people, or of its representatives. But Mr. Locke has not explained the reason, why he thought the *legislative* might pass laws affecting liberty and life, without asking the express consent of the people, while he thought, that the imposition of any tax, without such consent, was absolutely unjustifiable. A man's liberty and life cannot surely be deemed less important, sacred, and inviolable than his money. Besides, it may sometimes be impossible to conduct the necessary business of government without taxation; and if no taxes can be justly imposed, without the consent of those, who are to pay them; then every government, which is not in part at least, composed of a majority of the people, or its representatives, must be either inefficient, or unjust. Yet Mr. Locke had admitted that the delegation of supreme authority to a few, or to one, would constitute a rightful government. This indeed was a consequence, which naturally flowed from his theory of an original compact, although it is evident, that such delegation would be often nugatory, if it excluded the right of taxation.

Notwith-

Notwithstanding the liberty which has been taken to offer this remark on Mr. Locke's Treatise on Government, it must be allowed, that his ideas were so clear, and his mind so comprehensive, that by much the greater part of his political reasoning is luminous and conclusive, without regard to any consideration of the supposed state of nature, the existence of which he had assumed, and notwithstanding the embarrassments arising from his theory.

Civil liberty is thus defined by Mr. Locke :  
“ The liberty of man in society is to be under  
“ no legislative power, but that established by  
“ consent in the commonwealth ; nor under  
“ the dominion of any will, or restraint of any  
“ law, but what that legislature shall enact, ac-  
“ cording to the trust put in it.” If this stood  
apart, it might appear indefinite ; but if it be  
considered in connexion with Mr. Locke's  
theory concerning the origin of civil govern-  
ment, it will be found to contain a just descrip-  
tion of civil liberty. Indeed, the correctness  
of Mr. Locke's ideas respecting civil liberty is  
apparent from the whole train of his reasoning,  
as well as from his definition, and from other  
particular

particular passages, of which it may suffice to quote the following : “ so that, however it may  
 “ be mistaken, the end of the law is not to  
 “ abolish or restrain, but to preserve freedom ;  
 “ for in all the states of created beings capable  
 “ of law, where there is no law, there is no  
 “ freedom ; for liberty is to be free from *re-*  
 “ *straint and violence from others*, which can-  
 “ not be where there is no law.”\*

Dr. Priestley has been rather unsuccessful, in an attempt to refine on Mr. Locke’s definition of civil liberty. He offers an apology for the innovation of branching liberty into political and civil : for, although this distinction had been made before him, he was perhaps the first who attempted to establish it by definitions. Those two branches, into which he divides liberty, he thus defines : “ Political liberty, I  
 “ would say, consists in the power, which the  
 “ members of the state reserve to themselves  
 “ of arriving at the public offices, or at least  
 “ of having a vote in the nomination of those,  
 “ who fill them ; and I would choose to call

\* Locke on Government, book ii. chap. 6.

“ civil liberty that power over their own ac-  
“ tions, which the members of the state re-  
“ serve to themselves, and which their officers  
“ must not infringe. Political liberty, there-  
“ fore, is equivalent to the right of magistracy,  
“ being the claim that any member of the com-  
“ munity hath, to have his private opinion, or  
“ judgment, to become that of the public;  
“ and thereby controul the actions of others;  
“ whereas civil liberty extends no farther than  
“ a man’s own conduct, and signifies the right  
“ he has to be exempt from the controul of the  
“ society or its agents; that is, the power he  
“ has of providing for his own advantage, and  
“ happiness. It is a man’s civil liberty, which  
“ is originally in its full force, and a part of  
“ which he sacrifices, when he enters into so-  
“ ciety; and political is that which he may,  
“ or may not require, in the compensation he  
“ receives for it: for he may stipulate to have  
“ a voice in the public deliberations, or, as far  
“ as the public determination doth take place,  
“ he may submit to be wholly governed by  
“ others.” †

† Dr. Priestley’s Essay on the first Principles of Govern-  
ment, and on the Nature of Political, Civil, and Religious  
Liberty—Introduction.

The



The definition of what Dr. Priestley distinguishes, as the civil branch of liberty, contained in the above quotation, besides being liable to other objections, is extremely defective. It denotes security from those injuries only, which the members of the state may be liable to sustain from public officers. But an exemption from all unjust or unnecessary controul of magistrates, although an essential part of civil liberty, is by no means the whole of it: the protection, which the magistrates are in duty bounden to afford against the oppression of others, is another part not less essential. Besides, those who are entrusted with public offices, are not thereby deprived of the right to enjoy their portion of the common liberty: their security, therefore, ought either to be included in the definition of civil liberty, or to form a separate branch of liberty, by no means proper to be wholly omitted. But Dr. Priestley's definition is still more defective in another point of view: it leaves the degree of power over their own actions, which, it is said the members of the state must reserve to themselves, in order to have civil liberty, wholly indeterminate. Shall it be said, that civil liberty is pos-

ferred by a people, whether this reservation be small or great? or, shall it be said, that the members of all states by original compact have, or ought to have made an equal reservation of this power over their own actions? Even in that case, it is evident, that till the precise degree of power reserved were ascertained and specified, civil liberty would not be defined, nor ambiguity removed. There is an expression indeed employed by Dr. Priestley, in elucidation of his definition of the civil branch of liberty, which doubtless may appear sufficiently extensive; civil liberty is said to be "the power which a man has of providing for his own advantage and happiness:" but this is not more appropriate to the liberty of a citizen, than it is to the influence of a minister of state, or to the power of a tyrant. At the same time, candour requires an acknowledgment, that the sequel of the volume, in which Dr. Priestley's definition of civil liberty appeared, contains some excellent thoughts on education, toleration, and the progress of society.

The first national assembly of France, which afterwards took the denomination of the Constituent

tuent Assembly, defined civil liberty to be "the power of doing whatever does not injure another." This is clear, concise, and comprehensive. Yet accuracy seems to require, in the definition of civil liberty, that its connexion with civil government should be expressed; because, without that connexion, civil liberty does not exist. \*

\* The whole article in the declaration of the Rights of Man, which contained the definition of civil liberty, runs thus: "La liberté consiste à pouvoir faire tout ce qui ne nuit pas à autrui. Ainsi l'exercice des droits naturels de chaque homme n'a de bornes que celles qui assurent aux autres membres de la société la jouissance de ces memes droits. Ces bornes ne peuvent être déterminées que par les lois." Constitution Française, 1791. Declaration des Droits, Art. 4.

The explanation, subsequent to the definition, was evidently subjoined by the framers of this article, to supply the defect of the general definition, which is concluded in the first sentence. It was probably to preserve a sententious brevity, that the explanation was not made a part of the definition: but it may be questioned, whether accuracy ought ever to be sacrificed to brevity; especially in a definition, and on a subject of importance.

## S E C T. V.

*Labour the original foundation of the right of separate property—security of property an essential part of political happiness. Equalization of property visionary, impracticable, unjust, and hostile to political happiness. A common participation of property, although not impossible, like equalization, is visionary, as being unlikely ever to take place, and must produce ruinous consequences wherever it is attempted to be introduced.*

**SECURITY** of property forms another constituent branch of political happiness. The original foundation of the right of property, cannot be placed in a more perspicuous and satisfactory light, than it is by the reasoning, which Mr. Locke employed, in his investigation concerning its nature and origin†. All ambiguity therefore may be justly said to be removed from this part of the subject. Pro-

† Locke on Government, book ii. chap. 5. Puffendorf de Officio Hominis et Civis. L. i. c. 12. sect. 2.

perty is, in fact, coeval with the first supply of human wants, and consequently with human existence. The man, who first plucked an apple, an acorn, or a berry, in obedience to the call of natural appetite, or to speak more generally, the man who for his subsistence, or gratification, first abstracted any of the gifts of nature out of the common store, which she had provided, for the supply of all her children, not only performed a lawful act, but established his property, in what he had thus obtained by his exertion, or labour. He acquired an exclusive right to its use. If another snatched, or purloined it from him, the deprivation was an act of manifest injustice. It was evidently the exertion employed in taking out of the common stock, what was subservient to the subsistence, or gratification, of the individual who made this exertion, that constituted the appropriation, that made it peculiarly and exclusively his. The rest lay in common; till similar exertions were made by the same person, or by others. The right of any person to make such appropriation was founded, on the same title precisely with that, which the whole human species had to apply the common productions



of nature, to the purposes of nourishment or accommodation. †

Labour, or industry, then was the original foundation of separate property. Instead of trusting to the occasional, and sometimes precarious supplies, which nature spontaneously offered, if one man exerted so much reflection, in concurrence with his labour, as to make some provision against a time of scarcity, by collecting, or laying up some little store, during the season of plenty, as of fruit in autumn, he had an unquestionable right to do so: he was under no other limitation in this respect, than to abstain from wasting or destroying, or taking beyond his just proportion; to the deprivation or injury of others. By his industry, he acquired an exclusive right to the store, which he had collected; it became his property. If he exerted his ingenuity in conjunction with his labour, to invent and frame an instrument, which should, for example, enable him to strip a lofty tree, or aid or facilitate any of his operations;

† Blackstone's Commentaries, book ii. c. 1. Also Locke on Government, book ii. c. 5.

if he contrived a covering to protect his little store, or a hut to shelter himself from the weather, he had a similar right to the benefit of those productions of his industry.

Occupancy, which writers on law have justly stated to be the original foundation of property in land, † may be resolved into the same principle. By what other method, than the exertion of some labour, or industry, could land be originally occupied. The right of the first occupant could be disputed only on the plea, that his appropriation of any land might diminish the natural stock of food, which equally belonged to all those, whom it had been destined to maintain; and of which, the occupant could claim a right to no more than his just proportion. But land is generally rendered more productive by industry, than it would be if left uncultivated and neglected. The appropriation therefore, which was made by the first occupant of a spot of land, served rather to increase than to diminish the general stock of provisions: he assisted, rather than injured others,

† See Blackstone's Commentary, book ii. c. 1.

by drawing from a smaller spot of ground which he cultivated, that nourishment, which he was equally entitled with others to gather from a larger extent.

As labour, or industry, thus conferred the original right of separate property; so, on the other hand, property is the natural reward, as well as the result of industry. That man was designed for labour, is evident from the frame of his body, and the constitution of his mind. By inactivity, the body loses its vigour and health, and the mind becomes listless and torpid. The earth, without assiduous culture, instead of yielding the various comforts, which experience has shewn it to be capable of producing, would scarcely furnish a wretched subsistence, to a much smaller number of inhabitants than it maintains at present. The greatest part of its surface would soon be covered, partly with stagnant marshes, and partly with rank weeds, and thickets of barren shrubs; overrun with noxious reptiles and beasts of prey; and almost wholly unfit for human habitation. Since then the activity and industry of man are so essential to the health of his body; to the  
vigour

vigour of his mind; to the cultivation of the earth, which he inhabits; and to the various comforts and improvements of human life; and since the prospect of acquiring and enjoying property forms the principal incentive to industry; it is obvious, that the security of property must constitute a most important branch of political happiness.

Accordingly we find, that the attainment of this object, and the various regulations connected with it, have generally engrossed the principal part of the laws enacted in political communities. Cicero goes so far as to assert, that it was chiefly for the security of property that civil government was instituted.† Civil liberty and security of property are evidently distinct in their nature; the former, relating chiefly to action; and the latter, to possession: yet those two branches of political happiness are so closely and inseparably connected, that

† Hanc enim ob causam maxime, ut sua, tuerentur, republicæ civitatesque constitutæ sunt. Nam etsi, duce natura, congregabantur homines, tamen spe custodiæ rerum suarum, urbium præsidia quærebant. Cic. de Off. l. ii. c. 21.

neither

neither of them can ever be the portion of any political community, unless it enjoy the other also : nor does it appear easy to conceive, how either of them can be violated, or abridged in any particular instance, without some infringement of the other.

Two different schemes have been offered to the world ; which, if they could be reduced to practice, would prove as subversive of the right of property, as they would be destructive of the happiest effects resulting from its security. The schemes alluded to are equality and community of property ; and persons have been found sufficiently extravagant to applaud and espouse them. But, fortunately for the best interests of civil society, they are as visionary in theory, and their execution is as impracticable, as their tendency would be pernicious.

So great is the diversity of the capacities, and talents of men, as well as of their characters and situations in the world, that a correspondent diversity must take place in their accumulation of property : and it would be a flagrant violation of every principle of justice, that



that the attentive, the provident, the frugal, the diligent, and the laborious, should be forced to make an equal distribution of the fruits of their industry, among the idle, the careless, the indolent, the wasteful, and the profligate. This would also be withdrawing its spring from industry, by robbing it of its just reward. The natural order of things may sometimes be disturbed, or perverted; and the connexion between industry and property interrupted, and sometimes to appearance dissolved, by some of the numerous casualties incident to all human affairs; nay such interruption must unavoidably take place, through the operation of those casualties, combined with the laws of succession and inheritance.

It appears essential to the peace and harmony of civil society, that some settled order and fixed regulations, for the transmission of property, should be established in every political community. Accordingly, the care of enacting laws for this purpose forms an important branch of the business of civil government. But no settled order of succession and inheritance appears possible to be contrived by human wisdom,  
which

which shall, in every instance, preserve the property accumulated by industry and frugality, from being transmitted to the idle and profligate. The correction of any abuses of this nature which may arise in particular communities, as far as they are corrigible consistently with the general order, belongs to particular and local legislation, more than to general political principles. But the notion of attempting to remedy, or prevent such abuses, by a forced equalization, is so completely visionary, that it must appear surprising it should have ever been entertained, by any man of cool and sober reflection. An equal distribution of property, among all the members, young and old, and male and female, of any large community, must, on attentive consideration, appear incapable of being accomplished by any human efforts. But supposing it to be effected at once by an act of Omnipotence, and human nature to remain what it is, inequality must instantly recommence, from the diversity and fluctuation of human conduct, and the incessant vicissitudes of human life.

Equali-

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Equalization of property is therefore as incapable of being realized, as it would be unjust in itself, and hostile to human industry. † The imprac-

† The anonymous author of an Essay on the Right of Property in Land, published without a date, by J. Walter, Charing-Cross, founds the right of property on land on occupancy, as wholly unconnected with labour. Yet with glaring inconsistency, he pleads for an original indefeasible right, inherent in every individual, to possess an equal share of the soil of his country. These two pretended rights would evidently be subversive of each other. Whoever pretends, that every individual has a right to an equal portion of land with his neighbour, must assume as a general position, that it is the indispensable duty of the inhabitants of every country, to make an equal distribution of the territory they possess: but the notion of such a duty is incompatible with that of the right of property in land being founded on occupancy. To evade being charged with this inconsistency, the author in question affixes the epithet *general* to the occupancy, from which he derives the right of property in land. But general occupancy, abstracted from labour, can import no more than the general existence of mankind: and to found the right of particular property in land, on the circumstance of the terraqueous globe being inhabited by human beings, is manifestly quibbling. Mere existence seems to give to grown individuals, no other right relatively to subsistence, than that every one should be allowed to appropriate, by his exertions, a competent portion of the common stock of food which nature had

impracticability of an equal distribution of property, might indeed appear sufficient to guard civil society against its injustice, and its baneful tendency; if history did not attest, that it has been several times attempted in political communities; but history equally attests the convulsions with which such attempts have invariably been attended; although they were only partial, and always unsuccessful. Nor can any such attempt be ever expected to be made, but through compulsion and violence.

The proposal of establishing a common participation, in the whole property of a political community, bears rather a more plausible appearance; at least, it cannot be said to involve a moral impossibility, like equalization; but it seems altogether improbable, that any attempt

had provided; or at least to procure to himself an equal share of it. Besides, the notion of an equal distribution of land, is as chimerical, and impracticable, as the claim to it is void of all foundation in right. Who is bounden to make the distribution? Whence does the obligation arise? and if the whole lands of a country should, at any one time, be equally divided; new distributions must be incessantly making, with every birth and with every death, in order to preserve the equality.

to

to reduce any such visionary scheme to practice, will ever prove successful. There are, doubtless, numerous examples of confraternities, or associations, which have established, and for some time maintained a community of property within themselves exclusively: but they have either been detached societies, which have adopted a particular mode of life, and have been supported by others, after the manner of the Monastic institutions; or they have been dispersed and persecuted sects, like the primitive Christians; or they have only formed a small proportion of the population of a country, of which they have assumed the sovereignty, and performed no labour, but employed the rest of the inhabitants to be their drudges and slaves, like the ancient Cretans. To obviate any inference that might be drawn from such examples, in favour of a community of property; it may be confidently asserted, that no instance can be found in history of a completely common participation of property having ever obtained, between all the inhabitants of a state of any considerable extent or population. If so visionary a project should ever be attempted to be carried into execution, it must not only prove

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abortive



abortive in the end, but also be productive of the most ruinous intermediate effects. † The prospect

† It is a common mistake, that community of property obtains among the Moravian brethren. Their historian Crantz informs us, that the attempt was made in some of their congregations in America. But, notwithstanding the simplicity of their usual mode of living, and the exact strictness of their discipline, together with the cordial harmony and industry, which generally prevail in their societies, the attempt proved abortive; and such would probably be the fate of all similar attempts. Crantz says, that at Bethlehem in Pennsylvania, the brethren resolved, “ after the pattern of the first church in Jerusalem, to have  
“ all things in common in the house-keeping, and not to  
“ have the profits of the labour of their hands to their  
“ own use; but being themselves provided with the necessities, to apply the surplus to the education of the  
“ children, the maintenance and support of the ministers  
“ and school-masters, who served their congregations in  
“ the whole, without any regular salary; and for the  
“ benefit of the missions among the Indians. This œconomy was carried on for twenty years; but, at length,  
“ by the farther increase of the plan, on account of various  
“ unforeseen difficulties, was obliged to be altered.” See Crantz’s Ancient and Modern History of the United Fraternity, sect. 101.

He says, in another place, “ At Bethlehem, and at Nazareth, (according to section 101) a common house-keeping had been established from the beginning; and  
“ every

prospect of living on the common stock would induce many to remit their exertions; and can it be supposed that the rest would persevere in toiling for the general good, while their neighbours were thus indulging a life of ease or pleasure? A general relaxation of industry, perhaps a total cessation from labour, excepting what might be indispensably necessary for procuring a bare subsistence, would be the natural consequence; a rapid decay would be felt in the accommodations and improvements of life; and arts and sciences would be extinguished. The minds of men, being unoccupied, would be gradually plunged in ignorance, and probably in the grossest superstition: and their characters, according to their mode of procuring subsistence, and to other circumstances, would become either insignificant and infantine, or ferocious and brutal. To preserve or

“ every one worked for, and received their maintenance  
 “ from it: but the colonies encreasing, it neither could,  
 “ nor should continue longer.” Ibid. sect. 256.

It is not probable, that a common participation of property could have long subsisted, among the primitive Christians; how far soever the benevolence of some individuals among them might have extended.

recover men, from such a state of imbecility and barbarism, and to promote the opposite progress, may be reckoned among the happiest benefits resulting from civil government ; and to their production, the establishment and security of separate property are eminently and peculiarly conducive. When the ancient poets fabled a golden age, in which all things were enjoyed in common, they were too well acquainted with human nature not to represent mankind in such a state, as living without agriculture, navigation, commerce, arts, or labour. They saw that the spontaneous fertility of the earth must form a part of the Fable of the Golden Age.† It is also problematical whether  
harmony

† Nondum cæsa suis, peregrinum ut viseret orbem  
Montibus, in liquidas pinus descenderat undas;  
Nullaque mortales, præter sua littora norant,  
Non tuba directi, non æris cornua flexi;  
Non Galeæ, non ensis erat; sine milites usu  
Mollia securæ peragebant otia gentes.  
Ipsa quoque immunis, rastroque intacta, nec ullis  
Saucia vorneribus, perse dabat omnia tellus:  
Contentique cibus nullo cogente creatis;  
Arbuteos fœtus, montanaque fraga legebant,  
Cornaque, et in duris hærentia mora rubetis;  
Et quæ deciderant patula Jovis arbore Glandes.

Ovid. Metam. l. i. c. 3.

SECT. 5.] OF CIVIL GOVERNMENT. 117

harmony could be long maintained in a political community, which should attempt to establish a common participation of property. It may not be improper to mention also, that in such a state there would be no room for the exercise of some of the noblest virtues, particularly charity and liberality, of which the practice is universally acknowledged to contribute greatly to the improvement of the human character, and consequently to human happiness.

—— Pater ipse colendi

Haud facilem esse viam voluit, primusque per artem  
Movit agros, curis acuens mortalia corda:  
Nec torpere gravi passus est sua regna veterno.  
Ante sovem, nulli subligebant arva coloni;  
Nec signare quidem, aut metiri limite campum  
Fas erat: in medium quærebant; ipsaque tellus  
Omnia liberius, nullo poscente ferebat.

Virg. Georg. l. iv. c. 121.

But upon the change of system, supposed to have been introduced by Jupiter, industry commenced.

Tum variæ venere artes. Labor omnia vincit  
Improbis, et duris urgens in rebus egestas.

Georg. l. iv. c. 125.

See also the Politicus of Plato on the subject of the Golden Age.

[1. 1073]



CHAP. IV.  
OF THE RIGHT OF CIVIL GOVERNMENT.

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SECT. I.

*The doctrine of the rights of man not dangerous, when justly explained. The rights of any Being refer to the conduct of some other. Whence rights and duty are reciprocal. To assert that "all men have equal rights," has no determinate signification.*

SOME writers have attempted to reprobate the doctrine of the Rights of Man; and others to turn it into ridicule. These attempts seem to have been chiefly provoked by apprehensions of alarming consequences resulting from a discussion of the subject; and we may add, by erroneous statements of human rights and false deductions from them. But erroneous explanations, or ill-judged applications, can never justify the total rejection of an important truth. If zeal for liberty has often served, as a pretext

to the factious and ambitious, or even to the partisans of disorder and licentiousness ; or if its principles have been misunderstood, or designedly misrepresented ; is civil liberty on that account to be stigmatized, as hostile to civil society ? If the desire of accumulating wealth has often proved the source of fraud, oppression, and other crimes ; and if the laws enacted for the security of property have been sometimes perverted to the contrary purposes ; is mankind on that account to be taught, that the sacred barriers of justice ought to be broken down ; and all right of property to be confounded, and property itself attempted to be equalized by violence ? If governments have sometimes propagated doctrines adverse to political happiness, and have abused their authority and power, by perverting them to the purposes of tyranny ; is it thence to be inferred, that all civil government ought to be destroyed, and mankind involved in the miseries of universal anarchy ? Do the acknowledged absurdities and mischievous effects of superstition vindicate a renunciation of all religion ? Do they render consistent with benevolence and wisdom the attempts of those, who aim at introducing universal scepticism ?

Instead

Instead of attempting to undermine, or overthrow the general doctrine of the rights of man; it would be more laudable and useful to endeavour to establish the genuine principles, on which this doctrine is founded, to expose and confute every absurd and erroneous conclusion, which may have been drawn from it; by the injudicious, or designing; and at the same time, to deduce its fair and useful consequences.

Has man any rights? This vague question must be the result either of ignorance, inattention, or insidiousness. Rights universally have a necessary reference to the conduct of others; that is, the rights of any Being must be understood to refer to what other beings ought to perform, or to abstain from performing, relatively to the Being of whom the rights are predicated. Rights therefore, and justice or injustice of conduct; or in other words, rights and duty are correlative terms: and before a precise answer can be returned to a question respecting the rights of any person or being whatever, those persons or beings must be specified, to whose conduct the question was intended to refer.

refer. Has man any rights relatively to the conduct of other men? One might as well ask, whether there were any rules of justice, or duty, which men are bounden to observe towards each other. I may have no right to existence relatively to my Creator; but having received so valuable a gift, it would be unjust in my neighbour to deprive me of life, without a sufficient reason: I may therefore be said to have a right to my life relatively to the conduct of my neighbour.† Has a man any rights, relatively to the conduct of the political rulers of his country? or has the collective community any such rights? Or, on the other hand, have those, who hold the government of a country any rights, relatively to the conduct of the rest of the community? This is precisely the same thing as to ask, If there are any rules of justice and duty, to which the governors

† The rights of men as individuals, relatively to one another's conduct, are stated in Mr. Gisborne's Principles of Moral Philosophy investigated (Part 2.) with a clearness and precision, which must appear satisfactory, even to those whose sentiments respecting the original principle of moral obligation may not entirely coincide with those of Mr. Gisborne.

and

and the governed in a political community are reciprocally bounden to adhere in their conduct towards each other, whether individually or collectively? In like manner, when industry was stated to confer the original right of separate property; the meaning obviously was, that the labour exerted was the circumstance, which constituted the injustice of taking from a man the fruit of his industry.

From this explanation it clearly follows, that to say "all men have equal rights," is to use a phrase, which has no determinate meaning, as it contains no reference to the conduct of any, whose duty may be understood to be pointed out. If, by the equality of the rights of all men, it be understood, that all the members of a political community have equal rights, relatively to the conduct of their political rulers; the assertion is inaccurate: a variety of circumstances too obvious to require to be specified, may occasion a considerable difference to prevail, between the duties, which the government of a country owes to different individuals; and a correspondent difference must obtain, between  
the



the rights of those individuals relatively to the government.

If by equality of rights, it be understood, that all individuals in civil society have equal rights, relatively to the conduct of all other individuals; the assertion is still more inaccurate, than when understood in the preceding sense. It is well known, that the duties of individuals in society are infinitely various, according to the various relations, which subsist between them; and to numberless circumstances, which occur in human life: and the rights of men are evidently as various as the duties, which correspond to them. The rights of men, relatively to the conduct of other men, are only equal, when all their reciprocal duties are alike. Hence, perhaps, there are few men in any country, whose rights are precisely equal, either relatively to civil government, or to their fellow-citizens, whether collectively or individually. All the circumstances and relations of men must be precisely alike, before their rights and duties, with respect to others, can be asserted to be equal.

SECT.

SECT. II.

*The right of civil government, either original or subsequent—divine right of civil government—Alexander the Great, ambitious to pass for the son of Jupiter—Augustus to pass for the descendant of Venus—the original human right of some to exercise civil government over others—derived from the consent of the governed—the first governments regal.*

SOME writers seem to have considered the right of civil government, as if it was divided into original and subsequent.

From the explanation given of rights in the preceding section, it clearly follows, that every political community originally possessed an exclusive right to form its own constitution, and appoint its political rulers. The truth of this proposition cannot be controverted with any appearance of consistency, excepting by those who contend for a divine right of civil government ;  
that

that is, who maintain that God has conferred on certain individuals, families, or successions, an exclusive right of exercising political authority over the rest of their species; and has accordingly imposed on others, a correspondent obligation to obey them.

A belief in the divine right of some men to govern others, appears to have been of pretty extensive prevalence, among mankind, in every age. Most of the kings and princes of remote antiquity were supposed to have sprung from the Gods; or from heroes raised to immortality on account of their exploits. An origin so illustrious was believed, by the many, to transmit a right of dominion, or to convey an irresistible claim on the obedience of ordinary mortals. In the brightest days of Grecian philosophy, the celebrated Macedonian conqueror was not only zealous, but successful, in propagating a belief of his divine extraction.\* And even so late as the Augustan age, a period much more enlightened than any that had preceded it, when

\* For an illustration of the assertion in the text, see Appendix, No. IV.

Octavius Cæsar usurped the sovereignty of Rome; eloquence and genius were employed to impress the opinion, that the Julian family was descended from the son of a Goddess. † The Incas of Peru, and the chiefs of several other nations of American Indians, were believed to be the offspring of the Sun. Even in modern times, most of the princes, who govern in Mahometan countries, whether in Europe, Asia, or Africa, claim their right of government, as the descendants, successors, or representatives of Mahomet, the prophet of God; and, according to Mr. Bruce, ‡ the princes of the royal family of Abyssinia trace their pe-

† The *Eneid* of Virgil is now generally understood to have been a political poem; of which the chief design was to reconcile the Romans to the government of Augustus, particularly by blazoning the divine extraction of his adopted father, and pointing out his own sovereignty as the great consummation of a series of events, which had been preordained by Fates, and expressly foretold by the Gods many ages before.

Hic vir, hic est, tibi quem promitti sæpius audis,  
Augustus Cæsar, divi genus; aurea condet,  
Sæcula qui rursus Latio, regnata per arva  
Saturno quondam. *Æn.* vi. 791.

‡ See Bruce's *Travels*, vol. i.

digree

degree to Solomon; and from him their subjects believe them to inherit a kind of divine right of government.

The writers in this country, who have espoused the doctrine of a divine right of civil government, have not accurately distinguished between the obligations of conduct, which must be allowed to correspond to a special divine grant of political authority to certain individuals, and the obligation of obedience to civil government in general, which has been usually allowed to form a part of religious duty: and in the arguments, which they have employed to support their favourite right, they have availed themselves of this confusion. Yet these obligations are so distinct, that a rejection of the former does not by any means invalidate the latter. With regard to the right in general, it appears sufficient to remark, that, before so extraordinary a claim could be reasonably admitted, it was incumbent on its advocates to produce satisfactory evidence of the divine delegation, with which they believed some favourites of Heaven had been specially invested. Without such evidence, the claim  
ought



ought to have been rejected as nugatory, or impertinent.

Waiving therefore all farther discussion of the divine right of civil government, we may rest on our former conclusion, that the appointment, or consent of political communities, exclusively conferred the original right of civil government: on what other title or pretension than divine appointment, supposing it proved, or the appointment, or consent of the community, could an original right of civil government be justly founded, or reasonably claimed?

The first attempts of mankind to establish civil government, like all first experiments, were probably very rude and imperfect. Unless the happy expedient was originally dictated by superior direction; it is more likely to have been suggested by the call of some urgent occasion, than to have been the result of premeditated concert. Such occasion we may suppose to have existed in the pressure of some general distress, in the alarm of some impending calamity, in the dread of some common

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enemy,

enemy, or in the prevalence of some destructive irregularity of conduct. Under any such exigency, the simplest and most obvious idea would be a recourse to the aid and authority of some one person, who might be eminent for superiority of personal, or mental qualifications; or for the virtues of justice, or benevolence; or whom age might have rendered venerable. It is more than probable that families had existed before the formation of political communities\*; and it was an easy transition from

\* *Prima societas in ipso est conjugio, proxima in liberis; deinde una domus, omnia communia; id autem est principium urbis, et quasi seminarium reipublicæ. Cic. de Officiis, l. i. c. 17.*

*Αναγκη δὲ πρῶτον συνδυαζέσθαι τοὺς ἀνὴρ ἀλλήλων μὴ δυναμένους εἶναι, ὅσον ὄντω μὲν καὶ ἄρξεν, τῆς γυνεωσικῆς ἰσχυρῆς.*

*Aristot. Polit. l. i. c. 1.*

Cicero evidently appears to have taken his ideas on this subject, as well as on several others, connected with political science, from Aristotle and Plato.

The peculiar and long-continued helplessness of human infancy, appears to have always rendered some permanence of union, between the parents, indispensably necessary to the preservation of their progeny. Consequently, the general prevalence of conjugal union, previously to the

from the idea of the head of a family, to that of the head of a larger community. The head of the family had absolute authority over his infant children : the power of the head of the community would be left equally uncontrouled ; yet at first, would probably not be exercised with tyranny.

If it should be objected to this statement, that it is chiefly theoretical ; I would answer, that no conclusion is intended to be drawn from hypothetical reasoning ; but that the statement of the priority of kingly government is founded on the evidence of history, whilst it is also conformable to probability. That the first governments universally were regal, is the concurrent report of all the most ancient historians. This is the account not only of Herodotus and all the Grecian writers, as well as those of Rome, who treat of the earliest times † ; but also of  
Berosus

the institution of civil society, was necessary to the continuation of the human species. (See Locke on Government, book ii.)

† Plato supports his opinion of the antiquity of regal government by the authority of Homer. The passage

Berosus the Chaldean, Sanchoniatho the Phenician, and Manetho the Egyptian. The Mo-  
saic

runs thus. Δικουσι μοι παντες την εν τούτω τω χρόνῳ † πολι-  
τειαν δυναστειαν καλειν, ἥ και νυν ετι πολλαχου και εν Ἑλλησι, και  
κατα Βαρβαρου εστι. λεγει αυτην που και Ὁμηρος γεγοναι κειν  
της Κυκλωπων οικησιν, ειπων.

Τοιςι δ' ουτ' αγοραι βουλευφοραι, ουτε θεμιστες,  
Αλλι υν' ἰψηλων ὄρων ταιουσι κακηνα,  
Εν σπιτσι γλαρυροισι θεμιστιναι ικαστος  
Παιδων ηδ' αλοχων, ουδ' αλληλοις αλογουσι.

Plat. de Legibus. l. iii. p. 106. edit. Ficini.

Aristotle asserts the priority of legal government, as well  
as its general prevalence in his time.

Διο και το πρωτον βασιλευοντο αι πολεις, και νυν ετι τα εθνη.

Aristot. Pol. l. i. c. 1.

Aristotle subjoins an argument to support his opinion of  
of the ancient, universality of kingly government, which  
appears to have considerable weight. He says, that man-  
kind had always been of opinion, that the Gods were ruled  
by a monarch. And he ascribes this opinion, to the univer-  
sal prevalence of regal government on earth; because  
mankind had always conceived, that the Gods resembled  
human beings both in customs and manners, as well as in  
form and appearance.

† Plato had been representing the condition of mankind, soon after  
a deluge, which he supposed to have swept away the whole human race,  
a few only excepted.

The

saic history corresponds, in this particular, with all other ancient histories. The patriarchal

The following quotations from Sallust, Justin, and Cicero, are not inapplicable to this subject.

Initio igitur reges, nam in terris nomen imperii id primum fuit. Sall. de Bello Catul.

Principio rerum, gentium nationumque imperium penes reges erat, quos ad fastigium hujus majestatis, non ambitio popularis, sed spectata inter bonos emulatio provehebat. Populus nullis legibus tenebatur; arbitria principum pro legibus erant. Justin, l. i. c. 1.

Omnes antiquæ gentes regibus quondam paruerunt, quod munus imperii ad justissimos et sapientissimos deferbatur. Cic. de Legibus, l. iii. c. 2. edit. Lond. fol.

Tacitus says of the Britons, that anciently they had been governed by kings; but that in his time, they were subject to the authority of different chiefs, as they were influenced by party or attachment. †

The Greeks usually applied the term *Nomades* to the inhabitants of a country which had no towns, and where the pastoral life was generally followed; whence indeed the term is derived. This, according to Herodotus, was

† Olim regibus parebant; nunc principibus per factiones ac studia arantur. Tacit. de Vita Aquealæ.



archal government, which, from Moses's account, would appear to have taken place, soon after the deluge, was itself a species of monarchy; nor does that venerable and primitive historian make mention of any other kind of government being in existence, before the institution of his own laws, excepting the patriarchal and the regal. In subsequent times indeed, we read in the Jewish history, of the five Lords of the Philistines: but even they might originally have been patriarchal or regal chiefs of separate tribes or districts; who had formed a confederacy for their common welfare.

Yet, in express contradiction to the concurrent testimony of all ancient historians, some of the modern builders of political systems have assumed, on the authority of theoretical rea-

the case of some of the Scythian nations, and also of the Arcadians in Greece: yet we find that even such people were always formed into tribes, or political communities; each tribe having a separate chief; or that several such tribes were sometimes united, in order to form a larger and more powerful state, under a common chief, who was dignified with the title of king.

soning,

soning, that men, after having lived for some time in the state of nature, in independence and equality, associated and formed democratic governments; that these democracies, in process of time, were changed into aristocracies, which were at last converted into monarchies. — It is much more probable, according to the uniform report of history, that regal governments were first established; and that, in process of time, experience of oppression taught mankind the expediency of opposing some restraints to the abuses of power †, which probably gave rise to laws, and to different forms of government. Yet here it may not be unworthy of remark, that for salutary restraints on regal

† Nam cum premeretur initio multitudo, ab eis qui magnas opes habebant; ad unum aliquem confugiebant virtute præditum, qui cum prohiberet injuria tenuiores, æquitate constituenda, summos cum infimis pari jure retinebat: eadem constituendarum legum fuit causa quæ regum. Jus enim semper quæsitum est æquitate; neque enim aliter esset jus. Id si ab uno iusto et bono viro consequerentur; eo erant contenti. Cum id minus contigerit, leges sunt inventæ, quæ cum omnibus semper una atque eadem voce loquerentur. Ergo hoc quidem perspicuum est, eos ad imperandum diligi solitos, quorum de justitia magna esset opinio multitudinis. Cic. de Officiis, l. ii. c. 17.

government, political communities have generally been more indebted to the private passions, or selfish views of individuals, than to public spirited motives.

— It is however evident, that on whatever occasion, or by whatever means, the first political rulers might have arrived at their supremacy, with whatever powers they might have been invested, or by whatever names they might have been distinguished; they could have no right to political authority, but what they derived from the appointment, or consent of the respective communities, over which they presided. If they were “mighty hunters,” or fierce warriors, who forcibly subjected their tamer neighbours to their sway, and thus obtained sovereignty by violence; or if they imposed on the simplicity and credulity of their neighbours, and soothed and cajoled them into submission and obedience, by address and artifice; in either case, they could have no right of government, for right cannot be founded on usurpation, or deception. Superiority of abilities and talents, however deserving of pre-eminence, when laudably exerted, cannot be pretended to confer

fer a right of dominion †. The claim of a common ancestor to a right of political authority over all his descendants, which has been termed, the patriarchal right, is supported neither by nature, nor by any reason founded on justice, or expediency †. Having thus rejected the

† The futility of this pretension cannot easily be placed in a more striking light, than it is by Mr. Gisborne, in the following sentence. "What reply shall we give to an argument, which, if it were solid, would authorise every man to enslave his less enlightened neighbour; and would justify a Newton in seeking the sovereignty of the world?" Gisborne's Principles of Moral Philosophy investigated, part iii. chap. 1.

Aristotle's reasoning in support of this pretension, will be afterwards considered.

‡ See Locke on Government, more especially book first. See also Algernon Sydney's Discourses of Government; and Hoadley's Original and Institution of Government discussed. These treatises contain elaborate refutations of the pretended patriarchal right of government, in answer to the Patriarcha of Sir Robert Filmer. According to the Patriarcha, all kings possessed a divine right of absolute government; which they derived from the paternal authority of the first man, transmitted by hereditary descent, to the representatives of the eldest line, in the various branches of his family. Mr. Hobbes, in his Leviathan, had

the claims of usurpation, deception, superiority of talents, and of patriarchal relation ; there appears no other human title, by which, a right of civil government could be originally acquired, excepting its only just foundation, the consent of the governed, or their voluntary acquiescence, amounting to a tacit consent.

had advanced a similar doctrine with respect to the absolute power of kings, although on a different ground ; and the doctrine has been since resumed by several. With respect to the divine right, thus pretended to be transmitted, it appears sufficient to observe, that it has not yet been satisfactorily ascertained. As a human right, the transmission of patriarchal dominion appears to be a doctrine of such palpable absurdity, that it must appear surprising now, that such men as Sydney, Locke, and Hoadley, should have judged it necessary to employ so much time and labour in its confutation.

## SECT.



S E C T. III.

*The subsequent right of civil government, as well as the original, is derived from consent, to the exclusion of all other pretensions, namely possession—inheritance—custom or prescription—ancient consent or stipulation—public virtue of political rulers—expediency.*

IN order to ascertain the right of any government now subsisting, it does not appear, in any degree, necessary to institute an enquiry into the history of its original formation. A government, which may have been originally usurped, may afterwards become a rightful government † by acquiring the sanction of the public approbation. Consent, however expressed, establishes the right of the existing government, relatively to the conduct of the consenting community as its only true basis: for subsequently as well as originally, the consent of

† Writers on jurisprudence have made a very just distinction between a government *de facto*, and a government *de jure*; these terms sufficiently explain themselves.

political communities exclusively confers the right of civil government. In fact, the division of that right into original and subsequent, had been undeserving of notice, if some political writers had not endeavoured to maintain, that however the consent of a political community may have been originally necessary to constitute a rightful government; yet the right of a government already established may exist independently of such consent. But the attempts of those writers seem to render it necessary, that the several grounds should be examined on which they pretend, that a subsequent right of civil government can be established, independently of the will of the governed. All those pretended titles to dominion seem reducible to fix; namely possession, inheritance, prescription, ancient stipulation, good conduct of political rulers, and expediency.

Possession and inheritance, considered as titles of dominion, are so nearly connected, that they may be examined together.

The injustice of an original assumption of the authority and powers of civil government,  
against

against the consent of a community, is sufficiently apparent from what has been stated in the preceding section. Impartial reason will pronounce the usurpation to have been equally unjust, whether the original usurpers had been one or many. To claim a right to the continuance of such authority, from the continuation of its injustice, whether by possession, or inheritance, is to offer an insult to the human understanding. If a man has been in the habit of robbing me, or stealing my property, or doing me other flagrant injuries with impunity, on account of my inability to prevent him, or to exact a compensation or satisfaction from him; does he thence transmit to his posterity a right to follow his example? Does a man's involuntary submission to injurious treatment, whether through necessity, or fear, infer an obligation on all his posterity to submit to similar treatment? No moralist would answer these questions in the affirmative: yet the claim of a right of civil government, derived from possession, or inheritance, against the consent of a political community, stands precisely on the same foundation, the continuation of injustice.

The

The plea of custom, or prescription, which constitutes a legal title to property, by the municipal laws of many countries, cannot be admitted as a just claim to supreme political authority. Property and civil government are in their nature, not only distinct, but so essentially dissimilar, that the rules, by which a right to the one may be conveyed, cannot be supposed applicable to the other. Property was originally the result of individual labour, although afterwards modified, by the laws of particular states: but civil government is a trust reposed by the community in one or more persons, to discharge certain functions for the general welfare; and the rules adopted for ascertaining and transmitting property, must have been subsequent to the establishment of civil government. In fact, the municipal laws which determine custom and prescription, are in a great measure arbitrary; and have accordingly varied in different countries. They are adopted for convenience, sometimes from temporary or local considerations; and derive all their obligation, from the authority of the particular governments, by which they are enacted; they cannot therefore constitute the foundation of the right  
of

of those very governments. Besides, distance of time might often render it impracticable for the real owner of property, to produce satisfactory evidence of his original right; and time also might render it equally difficult for him, to refute the plausible pretensions of an obsolete claim, however unjust and ill founded. Long continued possession of property therefore, however rightful, would often be insecure, if claims of indefinite antiquity were admitted, against the present possessor. This is the chief ground of the expediency of adopting prescription as a good title to property. But no such uncertainty can ever prevail, with respect to the right of civil government; because the right of conferring it always resides in the community. The long continuance of supreme authority in the same person, family, or succession, may doubtless be an indication of right. But it cannot be considered in that light any farther, than as it furnishes a presumption of the consent, or voluntary acquiescence of the community.

A fourth pretension to a right of civil government, unconnected with the will of the people, has been founded on ancient consent  
or



or stipulation : but this claim is still more preposterous than any of the preceding. The supporters of this claim, to be consistent, must attempt to maintain, that a progenitor has a right of civil government over all his descendants ; that he may transfer this right to be enjoyed in perpetuity, by whomsoever he pleases ; and that his posterity must be for ever subject to all his political arrangements, and bound by all his stipulations. But no reason can be assigned to prove, that such right has ever been possessed by one progenitor, which is not equally conclusive, in proof of a similar right being possessed, by all succeeding progenitors, with respect to their several descendants. It is obvious, that the greatest confusion of political rights would result from such a system †.

But the advocates of this claim will probably decline to encounter the numerous absurdities,

† The reader who wishes to see this part of the subject fully discussed, and the pretension of a progenitor to extend his political authority over all his descendants, minutely and successfully refuted, may consult the *Treatise* of Mr. Locke ; and those of Sydney and Hoadley, in answer to Sir Robert Filmer, mentioned in the Note, page 137.

which

which flow, from the supposed existence of a right in a progenitor, to extend his political authority over all his descendants, to all future times. They will rather found the supposed obligation of moderns to adhere implicitly to the institutions of antiquity, on the consent or stipulations of a whole ancient community, than on the decrees of a single progenitor. It will then be incumbent on them to shew, by what peculiar privilege, one generation could possess a right of forming a political constitution, which all succeeding generations were bounden invariably to maintain; or whence it could derive the prerogative, like the kings "of the Medes and Persians," of enacting laws, which must remain for ever unrepealed. As no such prerogative, or privilege can be proved to have been ever enjoyed by any generation; the consequences, deduced from the supposition, must be abandoned. In fact, the men of the existing generation must be more competent to judge of their own political happiness, which is the great end of civil government, than those of any former time. Admitting an ancient generation to have possessed all the wisdom, which is proverbially attributed to an-

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cestry;

cestry ; and to have formed a constitution, excellently adapted to the various circumstances then existing ; yet many important changes may have since taken place, in the external connexions, as well as in the internal circumstances of a nation, which may require correspondent changes in its political constitution. The condition of the members of a political community, thus circumstanced, would be truly deplorable, if they were condemned for ever to endure a form of government, which was become ill adapted to their situation ; and with superstitious veneration, to hand it down to the latest posterity, like a sacred relic ; merely because their ancestors had planned it. They would find but slender consolation in the reflection, that their political constitution had suited their ancestors, when things were in a very different state. Besides, the original framers of a constitution may not have been endued, with consummate political wisdom : they may have adopted a system fundamentally erroneous, or defective ; yet its errors or defects may not have appeared, till succeeding generations discovered them, by lamentable experience. Successive improvements may have also rendered

rendered a future generation more enlightened, and better qualified to frame, or to reform a constitution, than the original founders of the state. Wretched therefore would be the lot of human beings, if they were debarred from availing themselves of the lessons of their own experience, and progressive improvement in political knowledge; and confined for ever, to the first rude experiments of their earliest forefathers.

This pretension then, whether considered as a claim of right in one generation, to prescribe the form, in which civil government shall be invariably conducted for ever; or as a correspondent obligation, on posterity, to maintain an ancient constitution, without innovation or improvement, merely on account of its antiquity, appears as hostile to human happiness, as it is unfounded and absurd. It is obvious, that the apparent plausibility of this pretension, like that of prescription, is connected with the vulgar mistake of confounding property with civil government; and of conceiving, that the rules, which obtain with respect to estates in cattle, land, or money, hold also

with respect to political authority. It is evident, that the rights and obligations, which arise from contracts relative to property, are as improper to be applied to civil government, as those, which result from the regulations adopted in different countries, in order to determine prescription. A man's property is wholly at his own disposal: he has an absolute right relatively to the conduct of other men, to employ it to what purposes he pleases; so long as he refrains from encroaching on others: he may transfer his right to whomsoever he chooses, and on any conditions, unless restrained by the positive laws of the community. Those, who urge the indispensable obligation of adhering to ancient political institutions, will not surely be so absurd as to contend, that all future generations of human beings were at the absolute disposal of ancestry; and that a man has a right to grant away the submission and obedience of all his posterity, as he has to dispose of his cattle, or his furniture. Yet on no other principle of reasoning, can the rules, which determine the obligation of contracts about property, be applied to ancient stipulations relative to civil government.

Even



Even the public virtues of political rulers cannot be pretended to confer a right to the civil government of a political community. The slightest attention to the nature of a trust, will fully discover the fallacy of this pretension. The fidelity and good conduct of a trustee, can never rightfully transfer to him the property of what was only committed to his management; nor deprive his constituents, or their lawful successors, of their right, relatively to the subject of the trust. Civil government is evidently a trust from the community, and those political rulers, who faithfully discharge their important functions, are entitled to public applause, and to the gratitude and affection of the people, whose political happiness they have endeavoured to promote. Although they have performed no more than what the obligations of justice and duty required; yet the performance of duty amidst such numerous examples of the breach, or neglect of it, is laudable and meritorious. A just title to the gratitude and affection of a people is, however, far from amounting to a right of civil government.

Expediency is the only remaining ground, on which it can be pretended that a subsequent right of civil government is founded. If expediency were urged, only as a motive to engage a political community to employ the most deliberate reflections, before it should attempt to exercise its right of introducing into its political constitution, any changes of great importance, however apparently salutary, or of overturning even an usurped government; all the friends of peace and order would applaud the admonition. Experience fully justifies an alarming apprehension of the miseries and crimes of which revolutionary attempts may be productive; and it may often be the wisdom and duty of a political community to submit to many grievances, rather than involve itself in the ferment and struggle of a great political convulsion, by having recourse to the desperate remedy of a revolution in its government. Prudence would dictate, that a gradual and temperate reform of civil government, is generally, if not universally, preferable to changes of a more violent nature, as being safer and more peaceable, and consequently more expedient, at least to the existing generation. Due reflection would discover

cover

cover the solidity of the maxim, That it is generally safer to bear the public as well as private "ills we have," than to run the hazard of being exposed to others, "which we know not of." So infinite indeed is the possible variety of circumstances, that we can never expect to be able to lay down general rules of expediency, respecting the conduct of political communities, which shall be precisely applicable to every case: but this rather confirms the wisdom of employing the maturest deliberation, on all occasions. Reasons of expediency then, will ever be entitled to the most attentive and serious consideration of political communities, as prudential motives of public conduct. But that is widely different from the assumption of expediency as the basis of the right of civil government, in particular exclusion of the only just foundation of that right, the consent of the community.

This novel system of politics is strenuously maintained by Mr. Paley, as part of the application of his theory of general expediency, which he lays down, as the foundation and standard of right in morals. Mr. Hume had

also endeavoured to establish utility, as the foundation of virtue, and the criterion and standard of moral excellence; for Mr. Paley's general expediency coincides pretty nearly with Mr. Hume's utility †; and the same doctrine has,

† Horace is more correct than Mr. Hume, or Mr. Paley, or their adherents; when he calls utility "justi prope mater et equi." Horace very justly distinguishes the *utile* from the *pulchrum* or the *honestum*. The same distinction had been made by several of the Grecian philosophers. Aristotle says, τα αναγκαία καὶ τὰ χρησιμὰ δι' πρα-  
τίν, τὰ δὲ καλὰ μάλλον. Arist. Polit. l. vii. c. 14. Cicero makes the same distinction with great precision; *Honestum igitur id intelligimus, quod tale est, ut detracta omni utilitate, sine ullis præmiis fructibusve, per se ipsum possit jure laudari.* The distinction is agreeable to the common sense and reason of mankind. Cicero indeed asserts, that we know much more of virtue than we do of expediency; and appears to have formed a very accurate opinion on the subject. *Quod rectum est, apparet: quid expediat, obscurum est: ita tamen, ut si nos ii sumus, qui esse debemus, id est, studio digni et libris nostris; dubitare non possumus, quin ea maxime conducant quæ sunt rectissima.* Cic. Epist. l. v. epist. 9. How much soever moral virtue and general expediency may coincide in the comprehensive mind of the Deity, with respect to human happiness in the final consummation of things, we are so little competent to judge of all the general consequences of particular actions,

has, with some variations, been maintained by others. But Mr. Gisborne has completely overthrown the whole theory, and clearly shewn that general expediency cannot justly be assumed as the general rule of moral conduct, nor applied in particular to the constitution of civil society. He has also refuted, in a satisfactory manner, all the collateral arguments, by which Mr. Paley had endeavoured to establish the right of civil government on expediency, in particular opposition to the consent of political communities. That point therefore seems to be decided. Yet, in order to complete the general argument of this chapter, it seems not unnecessary to state some of the consequences, which would result from the admission of Mr. Paley's theory.

actions, that the adoption of utility, or general expediency as the rule of our moral conduct, is manifestly preposterous. Such appears to have been the sentiment of Cicero on this subject. Expediency is as inapplicable to politics, as it is to morals, farther than as a prudential consideration for the direction of public conduct. Rejecting expediency from being the foundation of the right of civil government, is obviously not inconsistent with the principle, that political happiness is the great end of civil government.

The



The assumption of expediency, as the criterion of political right, would involve all reasoning, concerning the right of any particular government, in endless uncertainty and perplexity. Who are to decide on the expediency of any particular constitution, or of any part of the administration of political rulers? If the decision were left to the existing government, the judgment could not be expected to be always candid and impartial: besides, the decision would belong equally to usurpers, as to legitimate rulers. For, on this system, what constitutes the distinction between a legitimate ruler, and an usurper? Expediency. But who is to judge of that expediency? Is he who possesses the powers of government? If this were admitted, it would follow that a successful traitor, who should wade through crimes to a throne, would be thereby constituted supreme arbiter of political right. If the decision, instead of being left to the recent usurper, were adjudged to the ancient possessor, or his heirs; it would be resolving the right of civil government into possession, inheritance, or prescription; claims which have been already rejected.

If

If it should be said, with Mr. Paley, that every man must judge for himself, concerning the general expediency of public measures †, by what rule, then, should questions of political right be determined, between opposite sentiments, and between contending parties? So various are the opinions of men, partly from their ignorance and prejudices, but still more from the diversity of their interests and passions, that the utmost confusion of sentiment would prevail, with respect to every subject of political controversy. But an objection still more fatal to the system, is the general disorder and anarchy, which it would tend to introduce into political communities; and which renders its adoption incompatible with the very principle of expediency. If every man believed, that, as a member of civil society, he was bounden to act, according to his own notions of general expediency; he must conceive himself to be invested with a right to oppose every ordinance of civil government, to resist every act of the public magistracy, to raise an insurrection against

† Paley's Principles of Moral and Political Philosophy, book vi. ch. 2.

his

his political rulers, and to overturn the established constitution of his country, whenever such conduct might chance to correspond with his own notion of general expediency. Subordination to rightfully constituted authorities would then be at an end; and the entire destruction of all social order would unavoidably follow.

Political communities, doubtless, are composed of individuals, and it is the aggregate of the opinions of the whole, or of the majority of those individuals, which forms the general consent. Yet it cannot thence be contended, that to found the right of civil government on the consent of communities is, in fact, to leave the determination of right to private judgment at last; and that, consequently, this doctrine also is liable to the objections, which have been stated, against the system of expediency. To found the right of civil government, on the consent of the majority, is widely and manifestly different, from the claim of a right in each individual to obey or resist the magistrate; to submit to the laws, or counteract them; to be faithful to the existing government of his country,

**SECT. 3.] OF CIVIL GOVERNMENT. 157**

country, or to attempt to overturn it; according to his own ideas of general expediency. In the one case, he follows his private judgment; or acts according to his own pleasure, without regard to the will of the community; in the other, he submits to the will of the community, whether it be against his own judgment, or not.

JUSTIN the philosopher, when Diocletian the Younger was expelled from Syria, and that he was received with hospitation in the house of the emperor. Justin had a great number of disciples, which enabled him to exercise his ecclesiastical empire. He was to order the lives of the principal individuals, and young women on the one hand, and young men on the other, and manage to be taken away by force, and after regarding them subservient to the government of the world, to be returned to the former to their husbands, and the latter to their parents, all the while citizens, and

**SECT.**

## SECT. IV.

*The doctrine advanced respecting the right of civil government, illustrated by the example of Dionysius and the Locrians—third principle in the science of politics, namely, that the consent of political communities exclusively confers the right of civil government.*

JUSTIN the historian relates, that Dionysius the Younger was expelled from Syracuse; and that he was received, with hospitality, by his allies, the Locrians. “ He took possession  
“ of their citadel, *with his troops*, as if he had  
“ been their rightful sovereign; which enabled  
“ him to exercise his accustomed cruelty. He  
“ used to order the wives of the principal inhabitants, and young women on the eve of  
“ marriage, to be taken away by force; and  
“ after rendering them subservient to the gratification of brutal appetite, to be returned,  
“ the former to their husbands, and the latter  
“ to their bridegrooms: all the richest citizens,  
“ he



“ he used either to drive into banishment, or put  
 “ to death, and to seize on their property. After  
 “ he had exhausted his ordinary means of ra-  
 “ pine, he once had recourse to an artful con-  
 “ trivance, by which he duped all the Locrians.  
 “ On pretence of a religious observance, he  
 “ induced all the Locrian ladies to assemble in  
 “ the Temple of Venus, in their most costly  
 “ attire, each of them striving to excel in  
 “ finery. When they were all assembled,  
 “ Dionysius ordered his soldiers to enter the  
 “ temple, and strip them of their ornaments,  
 “ which he seized, as plunder. He put to  
 “ death the husbands of such of the married  
 “ women, as appeared to be the richest; and  
 “ he put other married women to the torture,  
 “ in order to extort from them a discovery of  
 “ their husbands effects. After he had exer-  
 “ cised supreme authority, by such methods  
 “ for six years; the Locrians formed a conspi-  
 “ racy, and expelled him.”†

It

† Velut jure regnaret, arcem occupat; solitamque ibi  
 sævitiam exercet. Conjuges ad stuprum rapi jubebat;  
 virgines ante nuptias abducebat, stupratasque reddebat;  
 locupletissimos quosque aut civitate pellebat, aut occidi  
 jubebat,

It will be universally allowed, that this tyrant's assumption of supreme authority among the Locrians, was a most flagitious usurpation:

Shall  
jubebat, bonaque eorum invadebat. Dein, cum occasio rapinae deesset; universam civitatem callido commento circumvenit. Cum Rheginorum tyranni Leophronis bello Locrenses premerentur; voverunt, si victores forent, ut die festo veneris, virgines suas prostituerent. Quo voto intermisso, quum adversa bella cum Lucanis gererent, in concionem eos vocat: hortatur ut uxores filiasque suas in templum veneris quam possent ornatissimas mittant; ex quibus forte ductæ centum publico voto fungerentur; religionisque gratia, uno sient in Lupanari mense, omnibus juratis viris nequis ullam attaminet: quæ res, ne virginibus voto civitatem solventibus, fraudi esset, decretum facerent, nequa virgo nuberet, priusquam illæ maritis traderentur. Probato consilio, quo et superstitioni et pudicitiae virginum consulebatur, certatim omnes fæminæ impensius expornatæ in templum veneris conveniunt; quas omnes Dionysius, immixtis militibus, spoliât, ornamentaque matronarum in prædam vertit. Quarundam viros ditiores interfecit; quasdam ad prodendas virorum pecunias torquet. Quum his artibus per annos sex regnasset conspiratione Locrorum civitate pulsus. Justin, l. xxi. c. 2, 3.

According to Justin, Dionysius returned to Sicily, surprised Syracuse, and recovered his former authority there; but was again expelled. He was at last reduced to the  
de-

Shall we say then, that the injustice of it was removed, or transformed into a right, by his continuing to keep violent possession of the powers of government for six years? Had not the Locrians an unquestionable right, relatively to the conduct of Dionysius, to strip him of all civil authority within their state; and either to restore their old form of government; or to institute any other form, which they judged to be most conducive to their political happiness; and to commit the exercise of their government, to such magistrates, as they deemed most worthy of the trust? If the continuation of the same forcible system had enabled Dionysius to prolong his reign to sixty years, instead of six; could that difference of time have, in any degree, abridged the right of the Locrians to dethrone, or expel him?

necessity of opening a school at Corinth for subsistence †. He is said to have practised the lowest buffooneries, in order to render himself ridiculous and contemptible, and thereby to fall beneath the resentment of those whom he might formerly have injured.

† Dionysius Tyrannus cum Syracusis pulsus esset Corinthi dicitur ludum aperuisse. Cic. Epist. l. ix. epist. 18.

Had he even transmitted to his son, the full possession of the power, which he held over the Locrians; as he had himself received the government of Syracuse from his father †, could the Locrians have been charged with injustice, relatively to the Dionysian family, if they rescued themselves from a state of deplorable oppression, by the expulsion of the son, or of any of his successors, whenever they had it in their power? Before all this can be consistently asserted by any one, he must attempt to prove, that a right to oppress the Locrians, descended by inheritance, in the Dionysian family, although the power of exercising that oppression had been acquired by usurpation, and was retained by violence.

But, we may suppose some successor of Dionysius to arise, who, instead of adhering to the maxims of his predecessor, or following his ex-

† Jamque potestatem, quam ipse (Dionysius) per scelus nactus, quasi justam et legitimam, hereditatis loco, filio tradidit. Cic. de Nat. Deor. l. iii. c. 35. For a particular account of the manner in which the elder Dionysius obtained and exercised the sovereignty of Syracuse, see Diod. Sicul. l. xiii. and for a farther account of the son, see Diod. Sicul. l. xvi.

ample,

ample, should exert his utmost efforts to promote the general happiness, by protecting the innocent, restraining the profligate, and distributing impartial justice. Under such circumstances, if the Locrians, reflecting on the public advantages, which accrued from an administration apparently so wise and upright, and dreading the miseries to which a revolution might expose them, should give the sanction of their approbation to the continuance of the existing government, either by formal declaration, or by cheerful acquiescence; the authority exercised over the Locrians by the Dionysian family, would then at last become a rightful government, notwithstanding the injustice of its origin. On the other hand, notwithstanding the virtues of this imaginary Dionysian prince, the Locrians might justly decline to give the sanction of their approbation to his political authority. Smarting under the pressure of the cruel yoke, which they had so long sustained; and looking forward to the possibility of a resumption of the former tyrannical system, by some heir of their present popular ruler; or mistrustful of power in the hands of any of the Dionysian race, and disdaining to leave their public hap-



piness any longer dependent on the character, or pleasure of any individual; they might justly take what they should judge to be the most effectual precautions, against a return of their former oppression. They might, with justice, subject the government of those Dionysian princes, to salutary and effective limitations; or they might dispossess the whole family of all political authority, within their state. Would not similar considerations justify their descendants, at any future period, in restricting, or abolishing the sovereignty usurped and long maintained, by the Dionysian family? Could they be deprived of so clear a right, by any consent, on the part of their ancestors, to be governed by one of the Dionysian family, whether influenced by regard to the personal character of an individual, or by any other motive?

The application of the above quotation might be farther extended; and historical examples might easily be multiplied to illustrate the several arguments which have been used in support of the general proposition advanced in this chapter, namely, that the right of civil government is founded on consent: but it is apprehended,

SECT. 4.] OF CIVIL GOVERNMENT. 165

hended, that the doctrine must already appear so evident, that any farther illustration of it would be deemed superfluous.

We may therefore lay down as a third fixed principle in politics, that the consent of political communities, exclusively confers the right of civil government; and that accordingly political communities possess an inherent right to form their own constitutions.



THE [illegible] OF [illegible]

[illegible] in the [illegible] of [illegible]

[illegible] [illegible] [illegible]

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## CHAP. V.

### OF POLITICAL RESISTANCE.

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#### SECT. I.

*Opposite opinions on the subject of political resistance. Definition. Political Resistance criminal. This criminality illustrated from the example of Dionysius and the Locrians.*

A DUE attention to the inferences, which may be fairly deduced, from the important principle, established in the preceding chapter, will readily discover the true nature of political resistance : a subject, which has given occasion to much eager controversy. Some contend, that it often becomes the right and the duty of men to oppose the civil magistrate, and resist political rulers ; whilst others reprobate every degree of political resistance, as involving the highest criminality. The partisans of these opposite opinions, have endeavoured to found their respective doctrines, on principles, which

are evidently just; and they mutually deduce consequences, which are incontestably absurd, from the doctrine of their opponents.

The advocates of resistance reason unanswerably, when they repel the pretension of a tyrant, to a right of subjecting a whole nation to his arbitrary sway; and of retaining it in perpetual slavery. They easily detect the fallacy of the arguments, which imply, that the end of civil government is, not the happiness of the people, but the personal interest, or gratification of an individual, even if he were the most insignificant, or worthless member of the whole community. They successfully expose the absurdity of believing, that nations were brought into existence, chiefly in order to be subservient to the purposes of one, or a few, who derive their supremacy from no human authority; but are the viceregerents of Heaven, and therefore accountable to God alone for their conduct. They triumphantly charge their adversaries, with the inconsistency of supposing, that one man may have a right to the absolute disposal of the properties, liberties, and lives of all the individuals of a political community, however numerous; that they are bounden for  
ever



ever to remain his willing slaves; and that they must always be ready to issue forth at his call, to slaughter or be slaughtered, perhaps, for the purpose of indulging his vanity; or gratifying the passions, or soothing the humours of his minion, or his mistress; in a word, to be the wretched tools or victims of his passions, caprices, or follies.

While the advocates of resistance are thus successful in deducing absurd consequences, from the doctrine of their opponents, they endeavour to found their own system on the principle established in the preceding chapter, namely, that the consent of communities exclusively confers the right of civil government; and that accordingly every nation has a right to form its own constitution, and consequently to rescue itself from acknowledged oppression, whether foreign or domestic.

Much of the reasoning employed on the other side, to reprobate the doctrine of resistance, is equally well founded, and conclusive. What arguments can be more solid and irrefragable, than those, which evince the indispensable obligation of a due observance of the laws?

laws? of respect, subordination, and submission to the civil magistrate †? together with obedience and loyalty to rightfully constituted authorities? What reasoning can be more satisfactory and convincing, than that, which inculcates the general practice of those sacred duties, as essential to the order, peace, and harmony of civil society, and to the general welfare of political communities? And how clearly demonstrable is the heinousness of a contrary conduct? The enemies of resistance have not only endeavoured to found their own system, on the incontestable grounds, which have been specified; but, they have also retorted, with justice, that the doctrine of their opponents involves several absurd conclusions; nay, that it leads directly to the most pernicious consequences. They justly urge, that to recommend resistance, as a right and a consequent duty; without specifying by whom, and against whom, and on what degree of provocation, the resistance may be justifiably made, is, in fact, to blow the trumpet of sedition and revolt; that it

† Noster vero Plato, Titanum e genere statuit eos, qui, ut illi cœlestibus, sic hi adversantur magistratibus. Cic. de Legibus, l. iii. c. 2.

tends to produce insurrections and rebellions, and the total subversion of all civil government among mankind. The absurdity of inculcating such doctrine is not removed, nor its dangerous tendency averted, by the common explanation, "that resistance is the right of the oppressed, and to be exercised only against tyranny." For who is to judge of the degree of oppression, which shall justify resistance? Not the oppressor, for then the right would be nugatory: if the judgment were left to the oppressed, the explanation would involve absurd consequences similar to those, which were specified in the preceding chapter, under the head of Expediency. Every individual, who thought himself aggrieved by the government of his country, would conceive, that he was authorized to employ force, in order to obtain, what should, in his own estimation, amount to adequate redress.

How then shall doctrines, apparently so incompatible, and yet deduced from such evident principles, be reconciled? How shall the absurd conclusions be obviated, which the partisans of either doctrine deduce from that of their opponents?

ponents? How shall the line be drawn, between resistance and subordination?

An accurate definition of resistance, together with an application of the general principle, established in the preceding chapter, will furnish a satisfactory solution of the difficulties, which have been stated; and will fully reconcile the controverted doctrines, as far as they are just.

The true definition of political resistance is, *an opposition by force to rightful political authority.* Resistance, thus defined, must be universally criminal. It is the employment of force against right. If this definition were generally adopted, the expression, "right of resistance" would be exploded from political language; and "crime of resistance" would be substituted in its place. Let us connect this definition, with the principle established in the preceding chapter. Whoever resists the government, which has been established by consent of the political community, or which exists under the sanction of its approbation, or acquiescence, must ever be held criminal: he exerts violence against

against rightful authority. At the same time, let it be recollected, that it is incumbent on all political communities, severally to choose the forms of government, which they may conceive to be best adapted to promote their political happiness; or to change a bad constitution for a better, whenever so desirable an alteration can be prudently effected. This obligation is an obvious deduction from the principle already laid down, that the consent of the community exclusively confers the right of civil government. It is also evident, that if any political rulers should forcibly oppose the accomplishment of the manifest desire of a community, to reform its constitution; they would trespass against the political right of the community: they would be guilty of that resistance, which has been shewn to be universally criminal. Thus, on the one hand, those, who exercise the powers of a government founded on consent, have an undoubted right, relatively to the conduct of every member of the community, to that submission, fidelity, and loyalty, which the ends of civil government require to be regarded as duties of general obligation. But, on the other hand, the rulers of a state  
are



are under a similar obligation, to submit to the will of the community, from the consent of which they derive all their right of authority. Those two doctrines, therefore, being fundamentally just, although apparently incompatible, are fully reconciled. Individual resistance is universally reprobated: yet the right of political communities is fully maintained.

This explanation appears liable to no solid objection. The most zealous friends of subordination cannot object to the inferences, which are clearly deducible from the principle of the supreme right of political communities, without being involved in some of the absurdities, exposed in the preceding chapter. On the other hand, the most strenuous asserters of the rights of political communities cannot reject the doctrine which inculcates the duty of submission to rightful authority, without incurring the imputation of aiming at the introduction of universal anarchy.

For a further illustration of the criminal nature of resistance, we may recur to our former example of the usurpation of sovereignty among

among the Locrians, by Dionysius. If the Locrians had submitted to that usurper, by general consent, whether expressed by any formal declaration, or implied from their willing acquiescence; any individual Locrian, who should have employed force in opposition to the administration of Dionysius, would evidently be criminal. What pretensions could an individual have to arrogate to himself the privilege of judging and deciding for the whole community? On what ground could he claim a right of attempting to subvert the order of things existing by the general consent? or of setting up his private will in opposition to established right? It is evident, that the tyranny of the government would, by no means, justify the conduct of the resisting individual. On the other hand, if we suppose the Locrians to have deemed it expedient for them to limit the authority of their supreme magistrate, or to effect any other change, in their political constitution; any prince of the Dionysian family, who should oppose violence to the introduction of the desired limitation, or reform, would be equally criminal with the individual, who resisted on the former supposition. He would

would be guilty of opposing force to the unquestionable right of the Locrian community. Thus the criminality of employing violence, in political contests, may be stated always to attach to the persons, who act in opposition to right, whatever be their rank or station.

This example suffices to illustrate the criminality of the two general branches, into which political resistance may be divided; one consisting in a forcible attempt to overturn or change a rightful government, or to counteract or impede its administration; and the other in a similar attempt to maintain an existing form of government, or institution, in opposition to the known will of the community.

SECT.

## S E C T. II.

*Distinction between political resistance, and refusing to yield active or passive obedience. The obligation of yielding obedience to the laws of civil government, does not extend to criminal actions. Passive obedience illustrated by the example of Socrates. Burlamaqui's explanation of the right of resistance. Benefits alleged to have resulted from political resistance. Fourth principle in the science of politics, namely, that political resistance is crimina..*

THERE are two other sorts of opposition to rightful authority, which have been sometimes confounded with resistance. One of these consists, in a refusal to obey the laws, or injunctions of civil government; and the other, in evading to submit to penal sanctions. Both are essentially distinct from political resistance; to constitute which, according to the definition, the employment of force is requisite. Yet it appears not foreign to the tenor of our argument,

ment, to specify more particularly, what has been already observed in general, that every civil government, founded on consent, has an indubitable right, not only to the non-resistance, but also to the obedience both active and passive of every member of the political community, over which it presides.

With regard to active obedience; neither the inconsistency of the laws with the principles of civil liberty; nor the imperfections of the constitution, under which they were enacted, appear to furnish any vindication of the conduct of the individual who disobeys them. The character and conduct of particular magistrates, or rulers, appear still less to justify disobedience, to the authority of civil government. It must be observed, at the same time, that the obligation of obedience to civil government is limited to actions in themselves not criminal. Virtue has claims, which are prior and superior to those of political obedience. When William Tell was ordered to shoot with an arrow, at an apple placed on the head of his son, if he had been uncertain of his aim, and had, in consequence, refused to comply with the in-  
human



human mandate; who could have presumed to call his conduct criminal on the score of disobedience\*? His obligation to abstain from acting as an instrument, in taking away the life of his son, was superior to that, which bound his obedience to the commands of the Duke of Austria, however just may be supposed to have been the foundation of the authority, which the latter exercised over the inhabitants of Uri, either as a political chief, or as a military commander. Instances of disobedience to the injunctions of authority, or to the laws of civil government, from adherence to principle, have been chiefly exhibited, by persons under the

\* It is well known, that this celebrated story is commonly regarded, as having occasioned the association of the three small cantons of Uri, Switz, and Underwald, in the year 1313, and their revolt from the dominion of the Duke of Austria, which laid the foundation of the Helvetic confederacy. The story is alluded to by the late Dr. Smollet, in his Posthumous Ode to Independence:

He † with the gen'rous rustics fate  
On Uri's rocks, in close Divan,  
And wing'd that arrow, sure as fate,  
Which ascertain'd the sacred rights of man.

† Independence.

N 2

influence

influence of religious opinions. Thus the numerous victims of religious persecution, in different ages, have professed to be actuated by regard to divine commands: a principle, which must be acknowledged to be of much higher obligation, than the regard, which is due to any human authority\*; and their sufferings have borne sufficient evidence of the sincerity of their profession. Whether they have been martyrs, to what they believed to be the truth; or have spurned at compliances, which appeared to them criminal; or have persisted in performances, which they have deemed obligatory; their conduct must be pronounced, not only innocent, but in the highest degree laudable. Every person must be left to be guided by his private judgment, respecting the criminality or obligations of particular actions. This, however, is widely different from leaving a man's general obligation of obedience to the civil government of his country, to depend on his private opinion of its right; or his observance

\* To this purpose was the declaration of Socrates before his judges; "I shall obey God rather than you." *πισσομαι τω θεω μαλλον η υμιν.* Plat. Apolog. Socr.

of the laws, to depend on his opinion of their general expediency. It is evidently incumbent on civil government, in its ordinances, or administration, to respect the consciences of men: duty and right in this, as in all other cases, are reciprocal. On the other hand, it is the duty of every man to endeavour, that his conscience may be rightly informed. But with an exception of criminal actions, and in due subordination to the rights of conscience, obedience, and loyalty to civil government, are duties of sacred and indispensable obligation.

The duty of passive obedience, or of submission to the penal sanctions of rightful authority, is finely inculcated in a conversation, which Socrates held before his death; and as nobly exemplified in his behaviour. Although he had been unjustly condemned †, and his friends  
had

† The injustice of the sentence passed on Socrates consisted, not merely in the iniquity of adjudging a man to death for his speculative opinions: it was aggravated in the highest degree, by his perfect innocence of the charges, on which he was arraigned. Xenophon in his *Apology*, and in his *Memorabilia Socratis*, has fully established, that Socrates was a believer, and a regular worshipper of the  
N 3 gods

had concerted a plan for his escape from prison, and for his retreat beyond the Athenian territory, their tenderest solicitations were employed in vain to engage him to embrace the opportunity. He argued, that his compliance

gods of his country, and that he was not a corrupter of the youth of Athens, of which he had been accused. Even his judges, although prejudiced against him, and determined to inflict some punishment upon him, did not believe him to be guilty of a capital offence. They referred to himself to estimate the fine, or other punishment, to which he ought to be subjected; as was customary at Athens, in cases which were not capital. Socrates maintained, that his conduct, instead of being criminal, had been not only innocent, but meritorious; and therefore that he was deserving, not of punishment, but of being distinguished with public honours and rewards. This answer so exasperated his judges, that they condemned him to death. This is retold by Cicero thus:

Erat enim Athenis, reo damnato, si fraus capitalis non esset, quasi pænæ æstimatio. Ea sententia cum iudicibus daretur, interrogabatur reus, quam quasi æstimationem, se maxime commeruisse confiteretur: quod cum interrogatus Socrates esset, respondit se meruisse, ut amplissimis honoribus et præmiis decoraretur; et ut victus quotidianus in Prytaneo publice præberetur, qui honos apud græcos maximus habetur. Cujus responsu sic iudices exarserunt, ut capitis hominem innocentissimum condemnarent.

Cic. de Orat. l. i. ed Lond. tom. i. pag. 100.

with

with the proposal of his friends, would be a manifest breach of the rules of justice and virtue, unworthy of his own character; a direct opposition of conduct to the opinions, which he had uniformly maintained; and inconsistent with the discharge of the duties, which he owed his country. He urged, that to the laws and institutions of his country, he had been indebted for his parentage, his birth, his education, his children, and the various enjoyments of a life of seventy years: could he now resolve to weaken the influence of those laws, and undermine their authority, by withdrawing himself from their inflictions; and thereby contribute to the ruin of his country, as far as his efforts, and the influence of his example could prevail? He argued farther, that the ingratitude and injustice of such conduct would be greatly aggravated, by the circumstance of his residence in Athens having been voluntary. He had always been at liberty to retire to any other country: but he had given a decided preference to Athens. This implied an engagement, on his part, to conform to the Athenian laws, and to submit to their penalties, as he enjoyed their protection. The proposed flight would, there-



fore, involve treachery and breach of engagement, in addition to its other guilt.

Whether ingenuity may not be able to suppose cases of such peculiar hardship, and extreme injustice, as should fully justify a man's deserting his country, in order to escape from the execution of a legal sentence; or whether some such cases might not be found in the history of human affairs; are enquiries, which properly belong to the moralist, or casuist. It is sufficient, for the purpose of political science, to have established the general obligation of submission to legal penalties; as well as that of obedience to rightful political authority, within the limitations, which have been specified. Moral obligations infer the criminality of any conduct opposite to the duties which they involve. But, when an instance of conduct, opposite to the obligations of obedience and submission to rightful civil government, is accompanied with that violence, which constitutes resistance; its guilt is evidently aggravated. Every different view then, which can be taken of political resistance, serves only to exhibit its criminality, in a stronger light.

Burlamaqui

Burlamaqui considers the question of political resistance, as one of the most delicate, which can arise in political science †. But, although esteemed one of the most rational and judicious writers on political law, he has left the question of political resistance involved in the same perplexity, in which he found it. He states, that subjects are bounden to obey the sovereign, as long as he exerts his authority with justice and moderation; and that a nation has no right to change its form of government, without some other reason, than for its own pleasure; or through inconstancy, or levity. He argues, that it would be inconsistent, with that stability which is essential to the ends of civil government, to allow its permanence to depend on popular caprice. He says, "It must either be admitted, that nations have no right to dispossess their sovereigns, or to change their form of government, without *considerable and important reasons*; or an unbounded liberty, in that respect, must be allowed them." To this reasoning from expediency, he subjoins an argument, deduced from what

† Principes du droit Politique, par Burlamaqui, deuxième partie, ch. vi.

he conceives to be the right of the case. He assumes as a principle, that civil government is founded on a compact, or convention between the sovereign and the people. Thence he argues, that, if the people were to depose the sovereign, or change the form of government; while the sovereign adhered to his engagement; their conduct would be a departure from the stipulations of their bargain. Yet, although the reasoning of this celebrated writer appears thus to derogate from the right of the people, he is a strenuous advocate for the right of resistance. He says, the people must distinguish, between the *extreme* abuses of sovereign authority; and such *moderate* abuses, as may be attributed to human frailty, rather than to a decided intention of destroying the public liberty and happiness. In the latter case, indeed, he maintains, that it is incumbent on the people to submit to some grievances †, rather than resist: but he says, “If the sovereign drive matters to the last extremity; if his tyranny become insupportable; and if he evidently appear to have formed the design of destroy-

† Il est du devoir du peuple de souffrir quelque chose.

“ing

“ing the liberty of his subjects; THEN they  
“have a right to revolt against him, and  
“snatch out of his hand the sacred trust of the  
“sovereignty.” A more vague description of  
a human right and duty, cannot easily be given.  
There is no acknowledged supreme infallible  
judge of political controversies, to distinguish  
between extreme and moderate abuses; between  
human frailty, and a decided tyrannical inten-  
tion; or between supportable and insupportable  
grievances. It is therefore evident, that the  
description, which Burlamaqui has given of the  
right of resistance, leaves the question involved  
in darkness and perplexity. In this respect, it  
is liable to several of the objections, which have  
been already urged in this, and the preceding  
chapter, and which it seems unnecessary to re-  
peat, as their application to the point under  
consideration is obvious. It might be tedious,  
as well as uninteresting, to quote any more of  
the opinions of political writers, who have  
given a similar description of political resist-  
ance.

One argument, however, has been urged,  
in recommendation of the crime attempted to  
be

be reprobated in this chapter, which appears to deserve some notice. It has been alleged, that resistance has been frequently productive of eminent advantages to political communities. This argument, it is first to be observed, makes no distinction, between the generous struggles of a people, against the lawless oppression of usurpers, and the employment of force against rightful authority. It is the latter only, which constitutes the crime of political resistance. It is to be observed also, that conduct of acknowledged criminality is not justified, by the benefits, which may appear to have resulted from similar conduct, on other occasions: otherwise, in the whole catalogue of human crimes, there is none perhaps, which would not be entitled to recommendation, as appearing to have sometimes proved the occasion of public advantage. It was on the ground of this argument, indeed, that private vices have been attempted to be recommended, as being productive of public benefits: but moralists have clearly shewn the ground to be untenable. The advantages, therefore, which may appear to have accrued from political resistance



resistance cannot be admitted, even in extenuation of its guilt; much less in its vindication.

We may therefore lay down the criminality of political resistance as a fourth fixed principle, in the science of politics.

## S E C T. III.

*The scripture view of political resistance.*

IT might be improper to conclude the subject of this chapter, without adverting to the attempts, which have been made to explain away the obvious meaning of some passages of scripture, which expressly reprobate resistance. Those texts, and the comments made upon them, by the advocates of resistance, remain yet at variance, notwithstanding the ingenuity and labour, which have been employed to reconcile them. “ Let every soul  
 “ be subject unto the higher powers. For there  
 “ is no power but of God. The powers that  
 “ be, are ordained of God. Whosoever there-  
 “ fore resisteth the power, resisteth the ordi-  
 “ nance of God; and they that resist shall re-  
 “ ceive to themselves damnation\*. For rulers  
 “ are not a terror to good works, but to the  
 “ evil. Wilt thou then not be afraid of the  
 “ power? Do that which is good, and thou  
 “ shalt have praise of the same; for he is the

\* Κριμα, judgment, or condemnation.

“ minister

“minister of God to thee for good. But if  
“thou do that which is evil, be afraid; for  
“he beareth not the sword in vain; for he is  
“the minister of God, a revenger to execute  
“wrath upon him that doth evil. Therefore  
“ye must needs be subject, not only for wrath,  
“but for conscience sake †.” And also,  
“Submit yourselves to every ordinance of  
“man, for the Lord’s sake; whether it be to  
“the **K**ing as supreme; or unto governors, as  
“unto them that are sent by him; for the  
“punishment of evil-doers, and the praise of  
“them that do well. For it is the will of God  
“that, with well-doing, ye may put to silence  
“the ignorance of foolish men; as free, and  
“not using your liberty, as a cloke of mali-  
“ciousness, but as the servants of God ‡.”

Some of the friends of resistance have con-  
tended, that although these texts enjoin obe-  
dience and submission to reasonable laws, to  
virtuous magistrates, and good princes; yet  
they do not prohibit resistance, if the laws  
should be unreasonable, the magistrates unjust,

† Romans xiii. 1—5.

‡ 1 Peter ii. 13—16.

and

and the political rulers wicked and tyrannical. But this explanation appears as unsatisfactory, as it is arbitrary. It is liable to the same insuperable objection, which has been already urged, against the admission of expediency, as the foundation of the right of civil government. It leaves a man's obligation to obey, or submit to the government of his country, entirely dependent on the opinion, which he may happen to form, concerning the good or bad conduct of its administration; at least, as far as his obligation to those duties is derived from the authority of the texts, which have been quoted.

Besides, the distinction assumed in this explanation, is wholly unsupported by the letter or spirit of the texts. The injunctions are general and unequivocal; and the rule of interpretation, which would reconcile them with resistance, might equally reconcile any precept, with such transgressions of that precept, as the interpreter might wish to recommend. If a similar latitude of interpretation were admitted, in explaining the precepts, for example, which prohibit false testimony, false oaths, stealing another's property, or taking away his life; it might

might be contended with equal force of reasoning, that falsehood, perjury, theft, robbery, and murder, might be ranked in the number of human rights, and consequently of human duties; it might be contended, that the scriptures ought not to be understood, as conveying any general prohibition of those practices; and that they came under the denomination of crimes in certain cases only, respecting which, every man was to judge for himself.

Some friends to the doctrine of resistance have offered another explanation of these texts, which may be thought to offer less violence to their obvious meaning. They understand the apostolical injunctions under consideration, as peculiarly, if not exclusively intended for the Christians, to whom they were addressed; in order to direct their conduct towards the Roman government, under which they lived. This explanation supposes, with a degree of plausibility, that the subject had been suggested by former conversations, or correspondence; and especially by an opinion, (which some Christians of that day are said to have discovered a desire of cherishing), that what they termed their

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Christian



Christian liberty, had absolved them from their allegiance to a heathen government. It must be acknowledged that the apostolical injunctions were excellently adapted to repress any such extravagant notion. But it is obvious also, that several difficulties would remain to be resolved, on the supposition, that those injunctions were either local or temporary, by whatever circumstances they might have been suggested. Was there any thing in the constitution, or administration of the Roman government, in the time of the Apostles, so remarkably benign as to render obedience and submissiveness to its laws and magistracy sacred and indispensable branches of the duty of a Christian; whilst, under other governments, resistance might become a matter of right and obligation? Or will it be stated by those who espouse this explanation, that a government must surpass that of the Roman emperors in cruelty and tyranny, before it can be justifiably resisted? Or, at what stage of tyranny will they fix the limit between resistance and subordination? Or, was there any temporary circumstance peculiar to the age of the Apostles, which stamped guilt on any political resistance, which should have been attempted

attempted during that space of time; although, at any future period, the same kind of resistance would be not only innocent, but meritorious?

Besides, the reasons annexed to the apostolical injunctions under consideration, are chiefly of a general nature: they are principally grounded on what their authors appear to have conceived to be the fundamental principles of civil government; and must therefore be understood to exclude the supposed limitation.

One of the reasons assigned by the Apostles is, that civil government is a divine ordinance; nay, that the existing authorities are of divine appointment; and that consequently, to resist the civil government was to resist the ordinance of God. If one clause of this argument should be understood to have a particular reference to the government then established, over the Roman empire; another evidently refers to civil government in general. Yet, whatever sense may be affixed to the particular expression, "the powers that be,"

"be †," the whole of the argument clearly implies, that it was the design of the apostle Paul to attach criminality to the resistance of a Christian against any civil government.

A second reason, by which the Apostles enforce their precepts of obedience and submission to civil government, is a consideration of the end for which civil magistracy was instituted. Rulers and governors, they say, were appointed for the punishment of evil-doers, and the praise of them that do well: and as this end was evidently counteracted, by resistance to their authority; he argues thence, that such resistance must be criminal.

The third argument, by which the Apostles enforce their injunctions against resistance, is a prudential consideration. Magistrates bear not the sword in vain, but are ready to execute wrath on them that do evil. This reason can-

† *Αἱ δὲ οὐραὶ ἐξουσίαι*, the powers that be, or the existing authorities. Those, who admit a particular Providence, may consistently understand, "the powers that be," in this passage, to refer either to civil government in general, or to particular governments.

not

not be understood to have an exclusive reference, to any energy or severity, which may be thought to have been peculiar to the Roman government: it applies to all governments in some degree.

Upon the whole, it is presumed, that whoever pays a candid attention to the clearness, with which those apostolical precepts were expressed; the authoritative manner, in which they were enjoined; and the earnestness, with which they were inculcated; will see sufficient reason to conclude, that their Authors could not have designed them to be understood equivocally. A consideration of the motives of a general nature, by which they were recommended, will as clearly discover, that they could not be intended either as temporary or local admonitions; they must therefore be understood to contain an absolute prohibition of resistance.

It may perhaps be objected to this interpretation, that an embarrassing difficulty will arise from thus understanding those passages of scripture, in their clear and obvious meaning. If their divine authority be first assumed; they

will appear, it may be said, to enjoin the unlimited submission of nations to their existing governments, however arbitrary and tyrannical, as an indispensable part of religious duty. On the other hand, if the right of political communities to form and regulate their own civil governments, be first assumed; the assumption, it may be said, will represent the scriptures, as recommending duties, which are inconsistent, with a fair deduction from undeniable principles.

It might be sufficient to urge in answer to this, that, if the objection had any force, it would bear against the texts, rather than against their fair interpretation. But the objection may be easily removed, without having recourse to that subterfuge. Although the gospel instructs men in their moral and religious duties as individuals; it does not appear to have intended, in any degree, to explain the principles of civil government, or to point out the rights of political communities. Accordingly, the only political maxim, recorded ever to have been uttered by the Founder of the Christian religion, was a practical advice, given in answer to a captious



tious question; "render unto Cæsar the things  
"that are Cæsar's." Even this is no more, than  
a particular application of the general moral  
axiom, that it is just to render to every man,  
what is due to him. As the silence of scrip-  
ture cannot, with any degree of justice, be  
employed as an argument against a mathema-  
tical, astronomical, or other scientific principle;  
so neither can it be reasonably urged in pre-  
judice of the rights of political communities.  
With as little justice, on the other hand, can  
the gospel be condemned, for not inculcating  
political maxims, or investigating the principles  
of all the useful sciences.

But what completely removes the objection is,  
that the supreme right of political communities  
is fully reconcileable, with the criminality of  
political resistance; nay, that the latter results  
from the former, as has been already shewn in  
this chapter. If private individuals resist the  
rightful magistrates; or if individual magis-  
trates, or rulers resist the will of the commu-  
nity; in either case, the crime of resistance is  
committed. The guilt consists in the employ-  
ment of force against rightful authority. But

that authority is rightful, which is exercised by magistrates, or rulers, whom the community has appointed, or acknowledges. To them every soul must be subject. Every man must obey the laws, which they enact, excepting such as may be evidently contrary to the superior laws of virtue and religion : and even with respect to such laws, whoever disobeys them, is bounden to submit to the penalties of disobedience. But magistrates and rulers are in like manner guilty, if they resist the will of the community.

## CHAP. VI.

### OF INDIVIDUAL CONSENT.

#### SECT. I.

*The arrangement of mankind into political communities has not proceeded on any system—the right of separation.*

A POLITICAL community is the aggregate of all the human beings, who are connected together, by living under the same civil government. The arrangement of mankind into such aggregates, has probably never been left to speculation to determine. Now, at least, wherever we know the globe to be inhabited by human beings, we find them already formed into political communities \*. These are as various in popu-

\* Perhaps no considerable number of mankind has ever yet been found, in a state more rude and unimproved, relatively to the arts of life, than the inhabitants of New South

population, as in the extent of territory, which they occupy. The side of a mountain, which forms

South Wales. They are entirely destitute of clothing: they practise no species of agriculture: they have no tame animals; nor the use of any metal. Notwithstanding this rudeness, they appear to be formed into political communities. Captain Tench, in his interesting account of the English colony, in New South Wales, describes the political state of the natives, as far as it had been ascertained; when he left the settlement in December 1791. Although the information, which he has been able to communicate, respecting the detail of their political arrangements, be very scanty; yet he affirms, without hesitation, that they are divided into tribes. He says, "Without distinctions of rank, excepting those, which youth and vigour confer, there is chiefly a system of equality, attended with only one inconvenience—the strong triumph over the weak. Whether any law exists among them for the punishment of offences committed against society; or whether the injured party, in all cases, seeks for redress in private revenge; I will not positively affirm—though I am strongly inclined to believe, that only the latter prevails. I have already said that they are divided into tribes; but what constitutes the right of being enrolled into a tribe, or where exclusion begins and ends, I am ignorant." See Complete Account of Fort Jackson, by Captain Tench of the Marines, c. xviii. pag. 193.

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forms the domain of the Republic of St. Marino, does not bear a smaller proportion to the

He says it was not known, whether the excision of a part of the little finger of the left hand in women, and of a front tooth in men, was not a mark of subjection to some other tribe, or a practice of superstition. In page 198, he mentions persons of rank and distinction among them; but does not say in what respect, or on what account they were so. He says there were distinctions in their funerals also.

The rudeness of the inhabitants of New South Wales affords no proof, not even a presumption, that the arts of life might not have been much farther advanced, in the country whence they migrated, than they are at present in New South Wales. The first emigrants to that country might have been wholly occupied, on their arrival, in procuring subsistence; and might have neither materials, nor time, for the practice of any other arts, than those of building boats for fishing, making instruments for catching land and sea animals, and for attacking their enemies, or defending themselves against them, building huts for shelter from the weather, and the application of fire to the preparation of their food. Whatever knowledge they might have possessed of other arts, if they were unable to practise them, for the reasons which have been mentioned, or any other, their knowledge of them would be lost to their posterity. They might have possessed a knowledge even of agriculture; yet be debarred from cultivation by

a total



vast extent of the Russian empire; than the inconsiderable number of individuals composing a wandering Tatar horde, or a decaying tribe of North American Indians, bears to the

a total want of seed; and this art would be thereby lost, like many others. It is evident that the circumstances here supposed, would gradually contribute to obliterate most of the political distinctions and arrangements, to which they might have been accustomed. A person minutely and intimately acquainted, with different parts of the adjacent continent and islands of Asia, might perhaps be enabled, by a more intimate knowledge of the language, ideas, and customs, of the inhabitants of New South Wales, than Europeans have yet acquired, to trace the particular region, probably in Asia, whence they migrated.

The loose manner, in which the social union subsists among the native Greenlanders, may be accounted for by reasons similar to the preceding. The extreme cold of the climate renders the severest exertions of each individual, absolutely necessary to procure his subsistence. They appear, notwithstanding, to retain some traces of an ancient division into tribes or communities. Crantz informs us, that, "every man may come and settle where he will; but if he finds inhabitants already settled, on the intended spot; he will not land, till an intimation is given him, that he is welcome." (History of Greenland, book iii. c. 3.) Yet this shyness is unconnected with any jealousy of encroachment; for they make no use of the soil.

immense

immense population of the empire of China. This political division of mankind has doubtless been determined, partly by natural boundaries, as seas, lakes, rivers, mountains, and deserts; and partly by migrations, conquests, alliances, successions, and other moral causes †. Whether the human species might not be arranged into political communities, upon some general system, which should be better adapted to answer the true ends of civil government, than the irregular division of the world into states and kingdoms, which subsists at present, might be justly deemed an useless enquiry: it would only lead to visionary speculation.

It may sometimes happen, that the inhabitants of one part of the territories of a state may judge, that their political happiness would be more effectually promoted, by a separate government, extending no farther than their own district.

† It was the opinion of Mr. Hume, that the division of Greece into so many states, was owing to its numerous interfections by seas, rivers, and mountains; and that Europe was divided into so many small states, from a similar cause; but that, for the opposite reason, Asia consisted of extensive monarchies.

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They may found this judgment, on a difference of local circumstances, or on their opinion of the imperfections of the constitution acquiesced in by the rest of the community. In any such case, whether the judgment be well or ill founded, reason and justice would dictate, that a political separation should take place, if consistent with the safety and prosperity of the whole. Various difficulties may occur in the application of this rule to particular cases: but such difficulties do not invalidate the general doctrine. There is not a human right or duty, the particular determinations of which may not afford room for difficulties; and which may not be attended with embarrassments in practice: but such difficulties and embarrassments furnish rather cavils than objections against the right.

It was the opinion of Mr. Hume, that the division of Greece into so many states, was owing to its numerous mountains, rivers, and bays; and that the same was the case in many small states, from a similar cause; but that for the opposite reason, Asia consisted of

SECT.

## SECT. II.

*The state of nature used in a twofold sense; one denotes the condition of man as an individual abstracted from improvement; the other denotes the condition of men abstracted from civil government. The former not only ideal, but altogether incapable of being realized.*

THE state of nature is a phrase, which some moral and political writers have employed to denote the condition of a solitary human being, abstracted from all mental culture, as well as from all moral improvement. Others have employed this phrase to denote the condition of a number of human beings; supposed to hold some intercourse together, before the formation of civil government, or of any kind of social union; but without any regard to the degree of civilization and refinement, to which individuals among them, may have attained. These two senses of the state of nature, although widely different from each other, have not always been accurately distinguished; which has  
some-

times proved the source of considerable ambiguity in reasoning on political subjects. One or other of them is so much interwoven with several celebrated systems, that they require a more particular discussion.

The state of nature, as denoting the condition of man in solitude, abstracted from improvement, is altogether an ideal state. Growth is not more natural to vegetables, nor instinct to irrational animals; than progressive improvement is to the human species. Such is the constitution of our nature, that our faculties\* are excited by various instincts, appetites, and passions; and such of our faculties as are frequently excited, are progressively improved by habit and experience: and this progression is still more rapidly promoted by imitation and instruction. The sources of improvement here specified, are not only inseparable from our nature, but absolutely essential to our existence; insomuch that we may decisively pronounce the existence of a solitary individual of the human species, without any degree of improvement,

\* See Lord Montboddo on the Origin of Language, b. 1, to



to be a mere production of imagination, incapable of being realized.

We may doubtless suppose an infant to have been abandoned to its own exertions, as soon as it was capable of creeping about, to feed on herbage. Naked and defenceless, if it should chance to escape being trodden to death, by some of the larger quadrupeds; bitten by some noxious reptile, or devoured by some carnivorous animal; and if it should be capable also of sustaining the vicissitudes of the seasons, and the rude shocks of the elements, and of finding nourishment sufficient to enable it to arrive at the usual age of manhood; in so wretched a being, we might see realized the nearest approach to this ideal state of nature. Such probably was the wild boy caught in the mountains of Hanover, in the reign of George the First. Those who may decline to admit this extraordinary instance, and a few others of the same kind ‡, to be true specimens of the character which human nature would assume under such circumstances, must acknowledge that charac-

‡ See Lord Montboddo on the Origin of Language, b. i. chap. 15.

ter to be altogether unknown to us, until more decided specimens can be produced.

Instead of one such solitary savage, let us suppose a pair, who should chance to meet, and produce offspring. Under the supposed circumstances, it is problematical whether instinct would instruct the mother to rear her young: but we certainly have no data, from which we can attempt to calculate, how many successive ages it might take, before the offspring of the supposed savage pair could arrive by natural progression, at what we now term rationality; or whether it would ever attain to that degree of perfection, from a total want of instruction, which is by far the most important source of human improvement. In all probability, the whole race would soon become extinct. Yet even such unfortunate beings would not be complete specimens of human nature, abstracted from improvement. Before a solitary infant could be capable of finding its own nourishment, it must have arrived at a certain age; it must have acquired various ideas; and through imitation, or instruction joined with habit, it must have attained to some knowledge and facility

cility in performing various actions, necessary to the preservation of animal life. It must therefore have received some improvement, by which it would be proportionably removed, from the required state of nature.

A more complete specimen of human nature, separated from improvement, may be imagined in the case of an infant, which should be exposed at its birth, and suckled by a she-wolf, or some other beast of the forest. Such a case cannot in reality exist without a miracle. Let the miracle however be supposed, and the infant suckled: the slightest attention must convince us, that it could not long survive. The quadrupeds of the forest, as soon as they are suckled, are not only prompted by appetite, but directed by an unerring guide to seek their proper food, and the other means of their preservation. They are also endued by nature, with strength, agility, or contrivance adequate to every necessary purpose. But the human infant, with few instincts, and left by nature to the progressive improvement of its faculties, and the gradual unfolding of its reason, through imitation, instruction, and experience, would soon be fa-

mished. Nature would prompt it to imitate the motions and *actions* of its fostering dam, the supposed she-wolf. But having neither strength nor swiftness to enable it to hunt the forest, and make prey of other animals; it would speedily perish. Let us however suppose the miracle to be continued, and the infant nourished, till its arrival at the age of strength and swiftness; it is evident that, such a being would be still farther removed from rationality, and consequently more unlike an ordinary human person, than a human infant, that should be reared by its parents, till it become capable of procuring its own food, without a miracle. If the supposed condition then of such an imaginary being were to be regarded as the true state of nature, we must acknowledge it to be, not only an ideal state, but altogether incapable of being realized.

Instead of infants, let us suppose a grown human pair, to spring from the ground, to drop from clouds, or to be otherwise created by Omnipotence, as Adam and Eve were by the Mosaic account. Either inspiration, or continued instruction, or a continuation of miracles, would be indispensably necessary to enable such a pair  
to

to exist, until they should acquire some ideas, with some method of communicating them; and till they should gain experience sufficient to enable them to perform various necessary actions, and to avoid certain dangers; to prevent them, in a word, from drowning in the nearest pool, or tumbling down the first precipice which came in their way. But a human pair that should be thus supernaturally directed, or assisted, could not justly be said to be in a state abstracted from improvement. It evidently appears then, that man, altogether devoid of culture and improvement, would be incapable of continuing in existence. The state of nature therefore, according to this definition of it, is not only unknown to us, but altogether incapable of being realized.

Some have supposed, that the human race was originally endued with various instincts, and possessed of several natural powers, which were afterwards lost, through want of exercise: but it is evident, that to have recourse to so arbitrary an assumption, for the solution of a difficulty, is to quit the path of philosophy



and science, and to wander into the region of hypothesis.

If this supposed state of nature shall be explained to denote the condition of a human being, improved in reason and other faculties, so far precisely as to be capable of continued existence and no more; it will then be incumbent on the person, who thus defines it, to specify the degree of improvement which shall be necessary to constitute the required state of nature; whether it must be equal to that of an infant at a certain age, or to that of one of the savages already mentioned. It is evident, that no other standard can be assigned for ascertaining the degree of culture or improvement required to constitute the state of nature, according to this explanation, but the arbitrary determination of the person, who offers the definition. That degree is therefore as uncertain, as the state itself is ideal.

It is also to be observed, that if the degree of improvement in a solitary human being which would barely be sufficient for the purposes of animal life, could be satisfactorily ascertained,

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no reason appears, why the term *natural* should be applied to such state of existence, whether it were real or imaginary. Is not the oak as natural as the acorn †? Are not the lion and the bear when arrived at full maturity, as natural as their young, whose powers of instinct and other faculties begin only to expand? A solitary beaver is not more in a state of nature, than those of his species, that dwell together in a common habitation, which they had reared by their joint labours: neither is a bee in a more natural state in solitude, than before he had wandered, or had been driven by a storm from his hive. Why then should the improvements, which man receives, even in society, be abstracted from the idea of his natural state; since he is confessedly endued by nature, with various capacities which characterize him as an animal susceptible of culture and progressive improvements?

It is equally evident, that by nature, man is also a social being. Among the indications of the intention of nature in this respect, we

† See Ferguson's Principles of Moral and Political Science, part 1. c. iii. sec. 1.

may reckon man's helplessness in solitude; the reciprocal attachment of the sexes; and their joint affection to their common offspring. In the same light, we may regard the principle of compassion, which was evidently implanted in the human breast, to prompt men to relieve one another: also the long continued helplessness of human infancy; together with the proneness of all human beings to imitation, their susceptibility of improvement from instruction; and their capacity of exchanging their thoughts by language. Mens various propensities to associate, and the numerous advantages which they are capable of deriving from mutual assistance, and from combined efforts, may be also justly considered as unequivocal proofs of natural sociability. These characteristic peculiarities of the human species clearly evince, that nature not only intended, but eminently qualified mankind for social life. Hence we may readily discern the impropriety of abstracting and separating from man's nature, the civilization and improvement, which he may acquire in society †; and the still greater

† See this part of the subject treated with philosophical precision, yet with classical elegance, in Harris's *Dialogue on Happiness*, part 1.

incon-

incongruity of setting man's improvement, and his social state, in opposition to his nature. Men of leisure, doubtless, may be indulged in speculation on the state in which human nature might exist under any supposable deficiency. They may attempt, for instance, to delineate what the condition of mankind would be, if originally and universally destitute of sight, or hearing. Such speculations may be harmless; nay, they may be useful, if they contribute to throw light on any branch of real knowledge. But let not such speculations be admitted as realities. Our condition would be truly wretched under any great deficiency of our present nature; whether we were deprived of some of our bodily organs, or of any of our mental faculties; yet scarcely could any deprivation render our nature more defective, than if it condemned us to a solitary existence, and rendered us incapable of culture and improvement. Let not therefore a condition of human beings, which would be truly deplorable, and which has never existed but in the imaginations of speculative theorists, be urged as a proof of present human degeneracy:

generacy: let it be much less exhibited as the model of human excellence, and a pattern for imitation: let not a fictitious representation of human life and manners be adopted as the foundation of any moral or political system.

## SECT.



## S E C T. III.

*Second sense of the state of nature, denoting the condition of men abstracted from civil government. This also is imaginary, and the supposition of its existence an unnecessary fiction. The fiction of the social compact is as unnecessary as that of the state of nature.*

THE state of nature, as denoting the condition of a number of human beings abstracted from civil government, and from any kind of social union; but without regard to their improvement as individuals, is also an imaginary state. The supposition of its existence does not indeed, like that of the preceding, involve any contradictions to the known characters of human nature: it is therefore capable of being realized. We may conceive any number of separate families and individuals; previously unconnected and unacquainted with each other, to have been driven, about the same time, to the same remote and desert island: some of them might be men of science; some, hand-

handicraftsmen; some, skilled in agriculture; others fishermen; and others possessed only of strength and agility for general labour. They might have all the variety of talents and abilities, and of tempers and dispositions, as well as of bodily constitutions observable in civil society. Such an assemblage of human beings would be precisely, in the state of nature, according to the latter sense of that phrase. It would be extremely absurd in any one, to pretend to ascertain, in what space of time, these islanders would be able to arrange themselves into one, or more political communities; or what forms and regulations of civil polity they might determine to adopt. As they must be supposed to have come from different countries, every one would naturally retain a partiality for the institutions of the country, which he had left. It is probable, that many of them would be desirous to accommodate the public resolutions of the island to their private views of convenience or interest; and perhaps to sacrifice the public advantage to the gratification of their vanity, ambition, or other passions. Doubtless, the general rules may be ascertained, which ought to direct the public conduct of men, in any supposable

possible situation, of which all the circumstances are given. But, it appears unnecessary, if not preposterous, to have recourse to an arbitrary supposition of a case, which may never exist, and with the circumstances of which, we are unacquainted, in order to discover the duties of men, in a well-known situation. All the rights and duties of political communities may be deduced more clearly and accurately from the real state of civil society, than from the fiction of a state of nature.

The fiction of the social compact appears to be as unnecessary, as that of the state of nature with which it has been connected. Mr. Locke, among others, had recourse to a supposed original contract, between the constituent members of political communities, as the foundation of the right of civil government, and of the reciprocal duties of the governors and governed †. But he was too conversant in history to

† Grotius derives political rights from a supposed compact, as their exclusive origin.

Deinde vero, cum juris naturæ sit stare pactis (necessarius enim erat inter homines aliquis se obligandi modus, neque

to have intended to assert, that the first civil governments were actually known to have been established on any such original contract. Mr. Locke must therefore have meant no more, than that the political rights and obligations of men, in a state of civil society, were precisely the same, as if they had been expressly stipulated, by certain formal engagements freely contracted between equals: and he assumes the positive existence of an original contract, in order the more clearly to ascertain those rights and obligations. It must be acknowledged, as has been

*neque vero alius nodus naturalis fingi potest) ab hoc ipso fonte, jura civilia fluxerunt; nam qui se cætui alicui aggregaverant, aut homini hominibusve subjecerant, hi aut expresse promiserant, aut ex negotii natura tacite promisisse debebant intelligi, secuturos se id quod aut cætus pars major, aut hi quibus delata potestas erat, constituerent. Grotius de Jure Belli et Pacis. Proligomena, c. 4. sect. 15.*

Yet the obligations which arise from the engagements thus implied in a person's voluntary joining a society, comprehend the political duties and correspondent rights of those only who become members of a political community already formed. Those engagements therefore considered as the source of political rights, are different from the compact supposed to have been stipulated at the original formation of civil society.

already

already observed, that this fiction of a social compact appears to have been unnecessary. All the relative duties of life may, doubtless, be deduced in a similar manner, from the supposition of a compact between the connected parties. We may thus trace, for example, the duties of husband and wife, parent and child, guardian and ward ; yet these and other relative duties may be ascertained on other grounds, and from other topics of reasoning, at least, with equal clearness and precision. In the common practice of life, the performance of some relative duties is sometimes endeavoured to be secured, by formal engagements. But even in such cases, it seldom happens, that all the reciprocal obligations of the contracting parties are specified in the contract. Yet several of the duties not specified, may be incumbent on both parties, equally with the duties, which have been expressly stipulated ; nay some of the former may be more important : but the aid of fiction does not appear in any degree necessary to ascertain them. In like manner, all the political rights and duties of men, united under civil government, may be ascertained without



without having recourse to the fiction of an original compact.

A respectable living author, instead of the supposed original contract of Mr. Locke, assumes what he calls a *quasi*-contract, as the basis of the establishment of civil government †. I must acknowledge my inability to discover any other meaning contained in this assumption, than that civil government is founded on something precisely of the same import, and inferring the same obligations with an original contract. But Mr. Locke never intended to assert, as an historical fact; that at the first institution of civil government, a formal contract had been absolutely acceded to, by all the members composing the first political community; and still less, that all political communities were formed in this manner. I am not therefore possessed of sufficient discernment to find any real difference between the basis of civil government assumed by Mr. Locke, and that assumed by Dr. Tucker. How far the superstructure raised by these two writers on what may be termed the

† See Treatise on Civil Government, by Dr. Tucker, Dean of Gloucester, Parts 1st and 2d.

same basis, may coincide or vary, is a question, the consideration of which is rather foreign from our present purpose. We may conclude this part of the subject, by observing, that the existing state of political communities affords the clearest, and the firmest basis for ascertaining not only the right of civil government, but all public rights and duties. Doubtless, the idea of an original contract, or of a partnership, or of any other similar connexion, may be aptly employed to illustrate the rights and duties of men in civil society; but the entire substitution of an illustration in place of the principal subject, is seldom completely accurate.

## S E C T. IV.

*It is not now left optional to a man, whether he will belong to civil society or not—residence determines the political community to which a man belongs. The obligations of a citizen are contracted by birth and education, previously to his knowledge or volition. The consent, either of a native citizen, or of a stranger, who adopts a country, is indicated by continued residence.*

**M**ANKIND being already arranged into political communities, it is not left optional to any individual, whether he will belong to civil society, or not. If any one should now form the extravagant wish of living in the state of nature, according to the latter sense of that phrase, he could not accomplish his desire, without repairing to some desert continent or island. Whilst a person continues to live amidst the abodes of men; the political community, within the territories of which he resides, has a right to his faithful discharge of the duties incumbent on all its constituent members. Those duties

duties he can neither neglect nor evade, without manifest injustice. His residence within any particular territory is the circumstance, which determines the particular community, to which he belongs. By voluntary residence every man contracts the obligations of a citizen. At the same time, it ought to be recollected, that men in general become members of political communities, antecedently to their own knowledge, or volition; and by reason of circumstances, over which they had no controul.

A person born and bred within the limits of a state, enjoys the security and other advantages, accruing from its civil government. He attains to a certain degree of mental and moral improvement, by means of his education in civil society. On his arrival therefore at the years of discretion, he finds that, perhaps without any previous volition of his own, he has already contracted obligations of duty towards the political community, within the territories of which, he was born and has since continued resident. In other words, the political community has already acquired certain rights, re-

latively to his conduct. These rights constitute the peculiar principle of that branch of moral virtue, which is commonly termed the duty of a citizen; or a man's duty to his country. It may be also termed his allegiance to the political community of which he is a member. It is different in its nature and origin, from the duties of subordination and allegiance, which are due from individuals to the civil magistrates and rulers of the state: the latter depending on the political constitution and municipal laws of a country; and their obligation being chiefly derived from the former. But although these two branches of duty may be thus distinguished, and their obligations traced to different sources; they are seldom separate in practice.

That moral obligations should thus be stated to be contracted, previously to any knowledge, or volition regarding them, need not startle any one, who reflects, that, in this respect, the duties of allegiance are not singular. To say nothing of religious duties, none, it is presumed, will deny, that parents have a right to the obedience of their children, in their earlier years; and ever afterwards to their respect and gratitude;



tude; and even to their assistance and support, if requisite, under infirmities and distress, or in declining age. No principle of moral obligation has ever yet been assumed, which will not lead to this conclusion. Yet the rights corresponding to those duties, are acquired by parents antecedently to the knowledge, or volition of their children. In like manner there are also certain rights which belong to the political community, relatively to the conduct of those who are born or bred within its territories. These, as well as all other human rights, have doubtless a limited extent, and are reciprocal: but it would be foreign from the purpose of this section to attempt to define their respective limits, or to specify the extent or limitations of the reciprocal obligations they imply.

It may not be unnecessary to remark, that although residence constitute the evidence of citizenship; yet to this rule, there may be various exceptions. Some of these may arise from the stipulations of particular treaties, between different countries: others may be sanctioned by general practice, or by what is termed the law of nations; which ought to be founded on

reason, humanity, justice, and reciprocal accommodation. Thus the children of ambassadors are generally held, to belong to the countries, from which their fathers were deputed. But notwithstanding such exceptions, it may be stated as a general law, that the obligations of a citizen are contracted, by the circumstances of being born and bred within the territories of a political community. The obligations, thus contracted by birth and education, continue during residence ; and cease only, on a permanent settlement within some other territory ; but not on an accidental or occasional absence from one's native country.

In the case of a stranger, preferring one country to another ; his settlement on its territory sufficiently indicates his consent to become a member of that particular community. No other act, or declaration on his part, is necessary to subject him to the civil government and laws of the country, which he adopts. His settlement, by which the community acquires a right to his discharge of the duties of a citizen, and he incurs the correspondent obligation, implies

implies an engagement on his part to perform them. This right and obligation are, in duration, commensurate with his voluntary residence.

But no previous act is requisite, on the part of a native citizen, in order to infer the right of the community, relatively to his conduct. By birth and education, he is already involved in the relative connexion of a citizen; and bounden to the performance of the duties, which it implies. His citizenship also, equally with that of the adopted citizen, is in duration commensurate with his voluntary residence. By continuing to reside, after his arrival at the years of discretion, he acknowledges his obligations of conduct, relatively to the community, as unequivocally as a stranger does, by his settlement. His consent to be a member of the community is thereby equally indicated; and his obligation to discharge the duty of a citizen equally implied.

According to Puffendorf, the obligations of citizenship are dissolved in three different ways: First, by quitting a country, with the express

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or tacit consent of its government, and settling in some foreign land ; secondly, by banishment and deprivation of the privileges of citizenship, for some misdemeanor ; or thirdly, by forcible subjection to some foreign jurisdiction †. It is evident that all the three are resolvable into change of residence ; the two last indeed by compulsion, or violence exercised against the removed citizen, but the first supposed to be voluntary on his part. The first reason supposes also, that the relation of citizenship cannot be dissolved without the consent of the government.

† Cives esse desinunt, vel si consensu expresso vel tacito civitatis discedant, & alibi sedem fortunarum figant ; vel si ob delictum, in exilium ejiciantur, & jure civitatis priventur ; vel si hosticavi oppressi, in victoris ditionem concedere adigantur. Puff. de Officio Hominis et Civis, l. 11, c. 18. sect. 19.

SECT.

## S E C T. V.

*In order that residence may be an indication of consent, the citizen must be at liberty to depart. A supposed right in civil government to enforce involuntary residence, is not necessary to the ends of civil government; nor is such right inherent in the nature of civil government. Fifth fixed principles in politics; that to enforce the permanent residence of citizens is unwarrantable and unjust, unfavourable to political happiness, and incompatible with the fundamental right of civil government.*

IN order that continued residence should be intitled to the denomination of voluntary, and be justly held an indication of consent, according to the doctrine laid down in the preceding section, the political community must leave every citizen, whether native or adventive, at liberty to migrate from its territory. If it should be admitted, that in the course of human affairs, cases may occur of such extreme exigency, as to justify a political community



munity in restraining, or prohibiting the emigration of its members; the admission would not affect our present argument. The circumstance of any particular conduct, being justifiable in extreme cases, does not infer a general right, nor invalidate the opposite right, to which any such extreme case may form a singular exception. There are also certain offices, or employments, the acceptance or practice of which may imply a stipulation of continued residence: but with these exceptions, it would evidently be unjust in the political community to prohibit the emigration of its citizens. On what can the alleged right of such prohibition be pretended to be founded? Neither the possession nor the exercise of such right would be subservient to the promotion of political happiness, the great end of civil government. The political happiness of a community is the aggregate of political happiness enjoyed by the individuals composing it. But the happiness of an individual is not likely to be promoted by confinement within the limits of one territory, if he should see a prospect of greater pleasure and advantage to be enjoyed by moving to another; nor in being fixed, like a plant,

to his peculiar spot, without being permitted to indulge the hope, however flattering of improving his condition by change of situation. Neither can it be said, that the advantage and happiness of a few who may desire to migrate, may be justly sacrificed to the happiness of the many, whose benefit may be promoted by a general law prohibiting emigration. On what principle of moral justice can the liberty and happiness of the few be sacrificed to the pleasure or advantage of the many? Justice, indeed not only permits, but requires, that every individual in civil society should be restricted from injuring others: but positive inflictions on any individual, merely for the benefit of others, cannot be reconciled with any rational principle of moral virtue.

Besides, it is not clear, that the happiness of the many would be much promoted, by the exercise of this pretended right of confining the discontented few; nor that the unlimited permission of emigration would be detrimental to any political community. A free intercourse between the inhabitants of different countries, with a reciprocal permission of settlement and migra-

migration, appears favourable to the best interests of human society. All the asperities and antipathies of nations would be thereby gradually softened and removed; knowledge would be extended; and customs, laws, and manners improved. The loss of inhabitants, which one country might sustain by emigration, would be quickly repaired, by the progress of population, or by the influx of inhabitants from others. It is also to be recollected, that most men have an ardent attachment to their native country: and this natural and laudable affection, which generally includes most of the tenderest attachments of the human heart †, appears of itself to furnish sufficient security against the depopulation of any country by emigration. Additional securities are afforded by the habits, which men

† This affection is beautifully described, and warmly recommended by Cicero.

Cum omnia, ratione animoque lustreris, omnium caritatum nulla est gravior, nulla clarior, quam eaque cum republica est unicuique nostrum. Cari sunt parentes, cari liberi, propinqui, familiares; sed omnes omnium caritatum patria una complectitur: pro patria quis bonus dubitet mortem oppetere, si ei profuturus sit? Cic de Officiis, l. i. c. 18.

acquire

acquire before a certain age, and the pursuits, in which they are engaged, together with the various obstacles, which generally stand opposed to a person's exchanging one country for another. But if all these motives and considerations should prove insufficient to attach men to a country, or to detain them in it; it appears more conducive to the political happiness of the community, to endeavour to remove the causes of their discontent, than to enforce involuntary residence by restrictions and penal statutes. Frequent emigration from a country may generally be regarded, as a proof that political grievances exist in it; and on this account may prove highly beneficial to the rest of the community. It may suggest the urgent expediency of improving the laws or constitution; of introducing more salutary regulations in administration; or otherwise meliorating the condition of such classes of the people, as may appear aggrieved: and it may excite general efforts for accomplishing these purposes.

A prohibition of emigration, then, is more likely to counteract, than to promote the general happiness of a people. It has been already  
observed,

observed, that if such prohibition should, in some cases, be deemed advantageous to some part of a political community, it is contrary to every principle of justice, to oppress or injure the few, for the benefit of the many; or the many for the benefit of the few. It is therefore evident, that the principle of promoting the public happiness, can furnish no foundation for the alleged right of political communities to prohibit emigration.

A right of enforcing the permanent residence of all the members of a political community has been sometimes claimed, as inherent in the nature of civil government. It has been asserted, that the circumstance of birth alone establishes a connexion, between the political rulers of a state, and all the natives of its territory; which the latter can never dissolve, by any act of their own. They are supposed to be unalienably bound by natural allegiance. This subjection to the rulers of their country is assumed to be a kind of *character*, of which no distance of place or time can divest them, and which can be effaced only by the consent of those rulers, or the violence of foreign conquest. Puffendorf must have supposed



posed the existence of this inexplicable character, when he advanced the opinion, which has been quoted from him, on that subject. But, like the sacred character, believed to be indelibly impressed on the clergy of the Roman Catholic Church, through the sacrament of holy orders, it appears too mystical to be admitted as a rational foundation of any right. In fact, the third general principle which has been established, namely, that the right of civil government is founded on the consent of political communities, absolutely excludes this pretended right of enforcing permanent and involuntary residence. A political community, as has been already stated, is but an aggregate of individuals, under one civil government; and how could this civil government be rightfully established, if the individuals composing the community were not permitted to withhold their consent, or to withdraw it afterwards; that is, if their acquiescence were involuntary? The consent of an individual, relatively to the right of civil government, may be sufficiently expressed by acquiescence; and that acquiescence may be sufficiently indicated by continued residence, if the residing citizen be at liberty to depart:

depart : but involuntary residence cannot be an indication of consent. Besides, civil government cannot possess a right of enforcing the permanent residence of all the members of a political community ; and at the same time derive its right of government from the consent of that community. This would be similar to the possession of a right of extorting an appearance of that consent, the reality of which is the only just foundation of political authority. The two rights would evidently be inconsistent. The pretended right of civil government, to enforce the permanent residence of all the inhabitants of a country, must therefore be rejected, as being incompatible with the right, which political communities possess to form or change their constitutions.

This subject may be considered in another point of view. We cannot maintain, that civil government has a right to subject dissenting individuals to its controul, and to enforce their observance of laws and institutions of which they disapprove, without supposing that those individuals were left at liberty to migrate to some other territory. It is irreconcilable with justice

justice to exact the submission and obedience of dissenters, and yet enforce their permanent residence. On the other hand, if individuals enjoy the liberty of emigration, yet prefer residence; they are, in justice, bounden to obey the laws of the community, or submit to the penalties of disobedience.

Residence, then, is the evidence of citizenship; and continued voluntary residence the indication of individual consent. At the same time, let it be recollected, that the native citizen is under certain obligations of gratitude and duty to his country antecedently to his consent. He is responsible as a moral agent ‡, for the motives of his emigration. His country has a prior claim to the application of his talents, and to the exertions of his usefulness. But it is the business of the moralist to estimate, in particular cases, whether the motives of an emigrant amount to a justification of his conduct in deserting his native country.

As a general conclusion from the whole of the reasoning which has been employed in the

‡ In foro conscientiae.

several sections of this chapter, we may lay down as a fifth fixed principle in politics; that, to enforce the permanent residence of the members of a political community is, with the exceptions already specified, unwarrantable and unjust; unfavourable to the happiness of civil society; and incompatible with the fundamental right of civil government.

## CHAP. VII.

### OF FORMS OF GOVERNMENT IN GENERAL.

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#### SECT. I.

*Difference between forms of government and constitutions — that part of the science of politics, which develops the characters of different forms of government, is of the highest importance — national characters depend principally, if not wholly, on forms of government and constitutions, combined with general education.*

THE various modes which have been adopted for the government of political communities, have been denominated forms of government, and constitutions. Forms of government are usually understood to refer to the possession of the authority and powers of civil government, chiefly those of legislation and administration; and to



denote, whether those powers are accumulated in one person, or variously distributed among several. Political constitutions, besides denoting the general distribution of the powers of government, include also the particular regulations, which prevail, respecting the manner in which those powers are to be exercised. Hence it is evident, that the same form of government may be found in different countries, with a different constitution in each of them; but that identity of constitution necessarily implies identity in the form of government.

It must be acknowledged, that those political writers, who have, with adequate abilities, exerted their talents in examining and discussing the natural tendency of different forms of government and constitutions, and pointing out their comparative advantages and defects, have been laudably employed, and have accordingly deserved well of mankind. On a subject of such obvious importance to the welfare of civil society, whoever has contributed to explode an error, or to remove a prejudice; to ascertain a truth, of which the world had formerly been ignorant or doubtful; or to illustrate and confirm a preposition, which had formerly been proble-

problematical, must be deemed to have made a valuable addition to the general stock of human knowledge, and thereby to have rendered an important service to the world \*.

In

\* The celebrated distich of the Poet,

“For forms of government let fools contest;

“Whate’er is best administer’d is best,”

has not escaped the censure it has merited. Notwithstanding the peremptory decision with which Mr. Pope pronounced the maxim contained in these lines, and the appearance it assumes of being the result of profound political knowledge, and reflection; if it be any thing more than a quibble, it is certainly too superficial to deserve much serious refutation. Administration in its usual acceptance, does not comprehend the whole business of civil government, as this maxim seems to suppose. But whether that term be understood to denote the whole, or only part of the functions of civil government: it is obvious, that the wisest of mankind may worthily employ their time and talents in examining which of human forms of government and constitutions is most likely to secure a good administration, and in communicating to others the result of their examination, and also in supporting it by suitable arguments. None will surely venture to maintain the palpable absurdity, that, in this respect, all constitutions are alike. Are the functions of civil authority likely to be so well dis-

In fact, if we take an impartial survey of the condition of mankind in different countries, we must observe, that in general the political happiness

charged, when the arbitrary will of an individual, whatever be his character, is the only rule of administration; as when the abuses of power are restrained or corrected by salutary regulations or effective limitations? Yet if there be any difference in this respect, some forms of government must be preferable to others. Founders of political constitutions and legislators have generally been revered and extolled as the most venerable of human characters, and the greatest benefactors of mankind. Mr. Pope, to be consistent, must have ranked them with fools,

Mr. Pope was probably led to pronounce the sentence under consideration, by his peculiar fondness for applying to various subjects the opinion, that external form and appearance are of no consideration, in comparison with internal qualities. Thus,

“Worth makes the man, and want of it the fellow;

“The rest is all but leather or prunello.”

But in applying this favourite maxim to forms of government, he appears to have been led away by his imagination, or rather by mere sound, without any consultation with his judgment. Although the word *forms* be employed to denote the various distribution of the powers of civil

SECT. I.] GOVERNMENT IN GENERAL. 247

pinefs of nations depends chiefly, if not wholly, on their forms of government, and constitutions. This however will become more apparent by enquiry into the nature and tendency of different forms of government, than by any general argument. Not only the political happiness of nations, but their very characters are moulded by forms of government and constitutions, much more than by any other circumstance.

It is probable that the differences observable in the bodily constitutions of the inhabitants of different countries, may have their causes in dif-

civil government, yet every one knows, that form thus employed, conveys a meaning widely different from form when applied to the person of a man, or to many other subjects. It also implies a great deal more, than whether a man's head shall be bound with a fillet, or encircled with a golden diadem; or whether he shall bear a staff in his hand, or have a golden sceptre carried before him by another. Yet some such trivial circumstances would appear to constitute the whole distinction between different forms of government in Mr. Pope's opinion. Hence we may remark, how illogical it must be to convert a simile, or poetical allusion, into a general maxim; or a metaphor into a serious argument.

ferences of climate, soil, situation, food, clothing, habitations, exercises, and occupations: but most of these are known to be considerably influenced by forms of government, either more immediately, or remotely; and so far as this influence extends, the difference between the bodily constitutions of the people of different countries, may be attributed to form of government.

How far the natural differences, observable between the mental capacities of individuals may be owing to physical or moral causes, we seem to be ignorant.

But the progression of the mental improvements of a people, their manners and general moral characters, seem principally if not wholly to depend on civil government and education. Doubtless, the relations which may subsist between a political community and surrounding nations, will bear a part in the formation of its national character: but it is well known, that the external connexions of a people are generally influenced by form of government and constitution, more than by any other circumstance,



stance. The general education also, which includes all public and private instruction and example, concurs with civil government in forming the character of a people; but this education is itself in part the result of civil laws and institutions. It is in part indeed derived from the religious and moral opinions, which prevail in a political community. But these two sources, namely, political institutions and religious and moral opinions, together with the impressions, habits, and communications of sentiments, whether by discourse or writing, which result from both, as well as the living examples which they produce, are what constitute the general education of a people. Hence, we might conclude, that national characters ought principally to be ascribed to forms of government; not only on account of the more direct and immediate influence of political institutions on public manners; but also on account of their remoter influence, through the medium of general education.

Whence chiefly arose the remarkable difference, between the character of the Athenians, and that of the Spartans; but from the difference

ence of their political institutions? The ancient Roman character was different from both; and the principal cause of the difference may be traced to the Roman form of government. The difference between the characters of many other nations, contemporaries to each other, and inhabiting either contiguous countries, or similar climates, seem incapable of being accounted for, on any other principle,

SECT. II.

*Some observations of Mr. Hume applied, in confirmation of the argument of the preceding section. Sixth principle in politics, that national characters depend principally on forms of government and education.*

MR. HUME, in his Essay on National Characters, has some excellent observations, most of which may be applied in confirmation of the doctrine advanced in the preceding section, respecting the influence of form of government, and constitution, in moulding the character of a people. His object was to prove, that national characters, including genius, temper, and manners, as well as mental improvement, and moral character, depend not on physical, but moral causes. The propagation or contagion of manners in a society, or over a whole nation, and their continuance for successive generations, he deduces from the principle of imitation. In proof of this theory, he observes,

First, That, "when any extensive government has been established for many centuries,  
" it

“ it spreads a national character over the whole  
 “ empire, and communicates to every part a  
 “ similarity of manners.” He instances the  
 Chinese.

His second observation is, that “ in small go-  
 “ vernments that are contiguous, the people  
 “ have notwithstanding a different character, and  
 “ are often as much distinguished in their man-  
 “ ners as the most distant nations.” He in-  
 stances Athens and Thebes; the inhabitants of  
 the former having been “ as remarkable for in-  
 “ genuity, politeness, and gaiety, as the The-  
 “ bans for dulness, rusticity, and a phlegm-  
 “ atic temper.†” He quotes Plutarch re-  
 marking the difference of temper in the inha-  
 bitants of the Piræum, and those of the upper  
 town of Athens, although only four miles  
 asunder; and says, that no one attributes the  
 difference of manners in Wapping and St. James’s  
 to a difference of air or climate.

† It must be acknowledged that the ancients sometimes  
 attributed this difference to soil and climate. *Athenis  
 tenue solum, ex quo acutiores etiam putantur Attici; et  
 crassum Thebis; itaque pingues Thebani et valentes.*  
*Cic. de fato.*

He

He observes, in the third place; that, “ the same national character commonly follows the authority” [of the national government] “ to a precise boundary; and upon crossing a river, or passing a mountain, one finds a new set of manners, with a new government.”

He observes, in the fourth place; that, “ when any set of men, scattered over distant nations, have a close society or communication together, they acquire a similitude of manners, and have but little in common with the nations, amongst whom they live.” He instances the Jews, Armenians, and Jesuits. But we may observe, that the peculiarity of the Jewish character may be sufficiently accounted for, from the peculiarity of their religion, language, tenets, and observances; and their exclusion by the laws and customs of most European states, from various privileges enjoyed by the rest of the inhabitants, and from many occupations, which are open to others. The peculiarity of the modern Jewish character, may therefore be ultimately referred to the joint influence of civil government and education. The Jesuits also formed a separate community almost



almost exempted from the jurisdiction of the civil governments of the countries in which they resided; and were governed as well as educated by institutions and regulations peculiar to themselves.

Mr. Hume's fifth observation is; that, "where any accident, as a difference in language or religion, keeps two nations inhabiting the same country from mixing with each other; they will preserve, during several centuries, a distinct and even an opposite set of manners." He instances "the integrity, gravity, and bravery of the Turks," which, he says, "form an exact contrast to the deceit, levity, and cowardice of the modern Greeks." If these characters of the Turks and modern Greeks should be admitted to be accurately drawn; the difference in their political condition may be fairly estimated to have contributed to the formation of their opposite manners, much more than their language and religion; how much soever the two latter may have contributed to maintain their separation.

His

SECT. 2.] GOVERNMENT IN GENERAL. 255

His sixth observation is; that, "the same  
" set of manners will follow a nation, and  
" adhere to it over the whole globe, as well  
" as the same laws, and language." He in-  
stances the Spanish, English, French, and Dutch  
colonies, as being all distinguishable even be-  
tween the tropics.

He observes in the seventh place; that, "the  
" manners of a people change very considerably  
" from one age to another." He says, that  
those changes are effected, "either by great  
" alterations in their government, or the mix-  
" ture of new people, or by that inconstancy,  
" to which all human affairs are subject." He  
opposes "the ingenuity, industry, and activity  
" of the ancient Greeks," to the "stupidity  
" and indolence of the present inhabitants of  
" those regions," the "candour, bravery, and  
" love of liberty of the ancient Romans," to  
the "subtlety, cowardice, and slavish dispo-  
" sition of the modern." He says, "though  
" some few strokes of the French character be  
" the same with that, which Cæsar has ascribed  
" to

“to the Gauls†, yet what comparison between  
“the civility, humanity, and knowledge of  
“the

† The following traits in the character of the ancient inhabitants of Gaul, in the account given of them by Cæsar, have been thought to bear a striking resemblance to some features in the character of the modern inhabitants of that country.

Ut sunt Gallorum subita, et repentina concilia. Cic. de Bello Gall. l. iii. c. 8.

Et quod fere libenter homines id quod volunt, credunt. Ibid. l. iii. c. 18.

Nam ut ad bella suscipienda Gallorum alacer et promptus est animus; sic mollis ac minime resistens ad calamitates perferendas mens eorum est. Ibid. l. iii. c. 19.

Infirmi-<sup>ta</sup>tem Gallorum veritus, quod sunt in consiliis capiendis mobiles, et rebus plerumque novis student. Ibid. l. iv. c. 5.

Quum intelligeret omnes fere Gallos novis rebus studere, et ad bellum mobiliter celeriterque excitari; omnes autem homines libertati studere, et conditionem servitutis odisse. Ibid. l. iii. c. 10.

Livy has thus described the Gauls at a more distant period. Gallorum quidem etiam corpora intolerantissima laboris atque æstus fluere; primaque eorum prælia plus quam virorum, postrema minis quam feminarum esse. Liv. l. x. c. 28. Mollia et fluxa corpora Gallorum et minime patientia sitis. L. xxxiv, c. 47.

The

“ the modern inhabitants of that country ;  
 “ and the ignorance, barbarity, and grossness  
 “ of the antient ?

His

The reader may perhaps not be displeased to see the character given of the inhabitants of the same country by Ammianus Marcellinus, in the fourth century.

Celsioris staturæ et candidi pæne Galli sunt omnes, et rutuli, luminumque torvitate terribiles ; avidi jurgiorum et sublatius insolescentes. Nec enim eorum quemquam adhibita uxore rixantem, multo fortiore et glauca, peregrinorum ferre potuerit globus, tum maxime cum illa inflata cervice suffrendens, ponderansque niveas ulnas et vastas, admittis calcibus emittere cæperit pugnos, ut catapultas tortilibus nervis excussas. Mètuendæ voces complurium, et minaces, placatorum juxta et irascentium, terri tamen pari diligentia cuncti et mundi ; nec in tractibus illis, maxime apud Aquitanos, poterit aliquis videri, vel foemina, licet perquam pauper, ut alibi, frustis squallere pannorum. Ad militandum omnis ætas aptissima, et pari pectoris nobore senex ad procinctum ducitur et adultus, gelu duratis artubus et labore assiduo, multa contempturos et formidanda, nec eorum quisquam ut in Italia, munus Martium pertimescens, pollicem sibi præcidit, quos jocaliter murcos appellant. Vini avidum genus, affectans ad vini similitudinem multiplices potus ; et inter eos humiles quidam obtusis ebrietate continua sensibus, quam furoris voluntariam speciem esse Catoniana sententia definivit, raptantur discursibus vagis, ut verum illud vi-

S

deatur,

His eighth observation is; that, "Where  
 " several neighbouring nations have a very  
 " close communication together, either by po-  
 " licy, commerce, or travelling, they acquire  
 " a similitude of manners proportioned to the  
 " communication." He instances the Franks,  
 who, he says, appear to the eastern nations to  
 have a uniform character. Intercourse with

deatur, quod ait defendens Fonteium Tullius, Gallos  
 post hæc dilutius esse poturos, quod illi venenum esse ar-  
 bitrantur. Hæ regiones præcipue quæ confines Italicis,  
 paulatim levi sudore sub imperium venere Romanum.  
 Primo tentatæ per Fulvium, deinde præliis parvis quassatæ  
 per Sextium, ad ultimum per Fabium Maximum domitæ;  
 cui negotii plenus effectus, asperiore Allobrogum gente de-  
 victa, hoc indidit cognomentum. Nam omnes Gallias, nisi  
 qua paludibus invisæ fuere, ut Sallustio docetur auctore, post  
 decennalis belli clades subegit Cæsar, societatique nostræ  
 fœderibus junxit æternis. Ammianus Marcell. l. xv. c. 12.

It seems curious to observe the difference between this  
 character of the inhabitants of Gaul by Ammianus Marcell-  
 linus, and that which had been given of them by Cæsar.  
 If characters of the same nation had been drawn, at se-  
 veral subsequent periods considerably distant from each  
 other by succeeding historians, they would all doubtless  
 have varied considerably; yet all would probably have  
 retained some traits of resemblance.

foreign



foreign nations, when considered as a concurrent cause in the formation of a national character, must be allowed partly to result from form of government and political constitution; and partly to constitute a branch of the general education, which has been already described.

Mr. Hume's ninth observation on this subject is; that, "we may often remark a wonderful mixture of manners and characters, in the same nation, speaking the same language, and subject to the same government." He says, that, "in this particular, the English are the most remarkable of any people in the world." This mutability and uncertainty of character, Mr. Hume ascribes to the English mixed government, and to the freedom and independence of the people. He terminates this observation rather quaintly. He says, "the English, of any people in the world, have the least of a national character, unless that very singularity stand for such."

These general observations of Mr. Hume appear to be well founded and just; and we may consistently adopt them, without assenting to all

his illustrations †. They serve to confirm the doctrine advanced in the preceding section, respecting the influence of civil government and education, on the mental and moral improvements of a people. Imitation, emulation, and other principles of action, which may excite the exertions of individuals, as far as they co-operate in forming, maintaining, or changing a national character, may be considered as included in education. The intimate connexion subsisting between education, whether considered in a more limited, or more extended view, and the political institutions of a country, also the influence of political institutions on education, are too obvious to require much reasoning to ascertain them.

† The like remark is applicable to some of the observations of Helvetius on this subject. See Helvetius, *De l'Esprit*, Discours iii. Some of the arguments which this ingenious writer employs to prove, that all the differences, both in the mental and moral improvements of mankind ought to be attributed to forms of government, and education, may be consistently deemed conclusive, as far as they relate to national characters, even by those who may not be disposed to adopt all his positions, nor to assent to the whole of his reasoning on the subject.

Upon

SECT. 2.] GOVERNMENT IN GENERAL. 261

Upon the whole, we seem fully warranted to lay down as a fixth fixed principle in the science of politics, that national characters principally, if not wholly, depend on political constitutions and education.

Hence we are naturally led to indulge the speculative hope, that in consequence of more perfect constitutions, and an education more improved than any people has ever yet adopted, nations may arise of characters far superior to any, which the world has hitherto exhibited. It is to be observed, on the other hand, that the manners of a nation have a reflexive influence on its form of government.

The intimate connexion subsisting, between the mental and moral characters of the inhabitants of a country, and their political happiness, appears too obvious to require any proof or illustration. Hence it must be a matter of the highest importance to mankind, to know which form of government has the happiest influence on a national character.

## S E C T. III.

*The science of politics has not yet attained perfection; although it has been gradually advancing towards it.*

**T**HE science of politics is not yet perhaps sufficiently advanced, to enable us to ascertain with precision, the respective degrees in which the various forms of government which have existed in the world, are friendly or hostile to political happiness; and the correspondent degrees, in which they severally claim our reverence and affection, or call for our reprobation. It has been profoundly remarked, that the world is probably not yet old enough, to have acquired sufficient experience on this subject. It deserves to be recollected also, that various prejudices and passions have usually stood opposed to the progression of real knowledge in the science of politics. The rulers of political communities have often thought themselves more interested to discountenance the study of this science, than to promote freedom of enquiry into its fundamental principles. Other individuals and classes  
in

in society have also been sometimes induced by various prejudices, interests, or passions to adopt a similar sentiment. Priests in particular, have been accused of having often lent their powerful aid, especially in ancient times, to the maintenance of political ignorance and error, chiefly through the medium of superstition: perhaps the greatest enemy to freedom of thought and discussion on any subject.

But although various obstacles may have retarded the advances of political science, it cannot be denied but that it has made considerable progress both in theory and practice. In order to be impressed with a full conviction of this important and consolatory truth, we have only to cast a transient glance on the political condition of mankind in the ancient world, and afterwards in the modern: such progression indeed was naturally to be expected. For man is evidently a progressive animal, not only when regarded as an individual, but also in his political capacity. Accordingly we find that the early history of every country, of which we have authentic records, carries us back to a period of much simplicity and ignorance, as well as



of turbulence and ferocity. We find the inhabitants gradually emerging from rudeness, and advancing in various improvements conducive to political happiness; some more slowly, and others more rapidly. Many of these gradual improvements of mankind may be traced back to their origin. This progression has been frequently retarded, checked, or interrupted by various causes; but sometimes also, it has been accelerated by others. Tyranny and superstition, under various forms, have often combined to promote purposes hostile to political happiness; but their united efforts have not always been successful; and they have sometimes contributed to produce the contrary effect. Even invaders and conquerors, those unfeeling and generally unprincipled scourges of the human race, have often, unintentionally, contributed to meliorate the condition of men. Although they have often desolated countries; and although war be one of the severest calamities which can afflict a nation; and conquest perhaps the most cruel result of war; yet even conquests, by the various changes which they have operated, have, in their consequences, proved highly beneficial to different nations. They have been the means  
of

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of mingling people of different customs, laws, characters, and manners; by whose intercourse, knowledge has been diffused, discoveries reciprocally communicated, and the whole mass perhaps of several mingled nations has become more improved, than any of them had been while they continued separate. It has sometimes happened also, that conquerors have intentionally meliorated the condition of the inhabitants of a conquered country, in order to reconcile them to the new dominion under which they had fallen. Plutarch contends, that the conquests of Alexander the Great had rendered more real service to mankind, than the discourses or writings of any of the philosophers. He argues, that that celebrated conqueror had suppressed barbarous customs, built cities, established governments, reformed constitutions and laws, improved education, intermingled nations, and civilized the world †. On the

† Αλεξάνδρος δι' ὑπὲρ ἰσδομνηκόντα πόλεις Βαρβάρους ἐθίσκειν ἐκτίσας, καὶ κατασπείρας τὴν Ἀσίαν Ἑλληνικοὺς πόλεις, τῆς ἀπαιμοῦ καὶ θρησκείας ἐκράτησε διαίτης. καὶ τοὺς μὲν Πλάτωνος ολίγοι νομοὺς ἀναγιγνωσκόμεν, τοῖς δὲ Αλεξάνδρου μυριάδες ἀνθρώπων ἐχρηφαίοντο καὶ χροῦνται, μακραιότεροι τῶν διαφύγοντων Αλεξάνδρου ἐκράτηθεν γίγνομαι. Plut. de Fortuna Alexandri. L. 1. passim.

other

other hand, when conquerors have pursued a different system; and, by severity of oppression, have forced many of the inhabitants of a conquered country to abandon their native land; the emigrants have often proved the means of civilizing, or at least improving some other nation.

In fact, the political experience; which has been acquired by the people of any one country, has seldom been altogether lost to the world. Great political improvements have sometimes been seemingly obliterated from human remembrance, while they were only suppressed for a time, or driven to some other region; where they have appeared again with greater lustre. Thus the course of a river may be obstructed; and its waters diverted into various new channels, or so dispersed, as totally to disappear; yet far from being lost, they may perhaps unite again, and gradually increasing in their descent, may contribute to fertilize and bless some distant region. Particular constitutions, doubtless, may sometimes have degenerated; but the instances of such degeneracy would be found much fewer than has been sometimes asserted,  
if

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if the goodness of constitutions were to be estimated by the standard of their subserviency to political happiness, the great end of civil government. Notwithstanding particular exceptions, the world in general, as far as we are enabled to judge from our acquaintance with its history, has always been gradually advancing in political happiness; as in political knowledge and experience.

**SECT.**

## SECT. IV.

*Division of forms of government — general design of this Treatise.*

A METHODICAL arrangement of forms of government, is likely to prove of as eminent advantage in politics, as has been found to be the case with respect to similar arrangements in other sciences. All the different modes in which the powers of civil government may be distributed, have been attempted to be classed under the two general heads of monarchies and republics †. But a division so vague and in-

† This is the division adopted by Machiavel in his treatise, entitled the Prince; and in this, he has been followed by many.

*Tutti li stati, tutti i dominii che hanno havuto et hanno imperio sopra gli huomini sono stati et sono ò repubbliche ò principati. Overe de Machiavel. Il Principe, cap. i.*

Machiavel, indeed, in the beginning of his discourses on the first Decade of Livy, takes up Aristotle's Division of Forms of Government, without mentioning his having borrowed it from that philosopher: yet notwithstanding, he adheres chiefly to the more general division of governments into principalities and republics.

definite,



SECT. 4.] GOVERNMENT IN GENERAL. 269

definite, cannot be admitted, as the basis of a scientific arrangement. Perhaps forms of government cannot be more commodiously and accurately classed, than by adopting the common division into three simple forms †, with the addition of their combinations, which may be reduced to five. By adopting this method, we shall have eight general kinds of civil government; all of them essentially distinct in character and tendency, as well as in their effects with respect to political happiness. These are,

1. Simple monarchy
2. Simple aristocracy
3. Simple democracy
4. Monarchy combined with aristocracy
5. Monarchy combined with democracy
6. Aristocracy combined with democracy
7. The mixed form, partaking of monarchy, aristocracy, and democracy.
8. The federal form.

† The division of governments into those of one, a few, and the many, is at least as old as Plato. For a more particular account of this philosopher's division of governments, as well as those of Socrates and Aristotle, see Appendix, No. V.

These

These genera may be variously subdivided, according to the modifications, of which they are severally susceptible.

All human governments seem capable of being classed under this arrangement. What has been termed the patriarchal government, for instance, is but the mildest species of simple monarchy, originating in parental authority, and directed by paternal affection. Even theocracy, if at all administered by human agents, must be reducible to some one of the genera of forms which have been here enumerated.

To collect all the truths of importance in the science of politics, which have been already established as undeniable inferences from acknowledged principles, but chiefly from the well attested experience of mankind, and thence to ascertain the precise character of every particular form of government would be to render an important service to the world. I am conscious, that I am far from being equal to the task. In the sequel of this Treatise I shall only attempt to enquire into some of those peculiar characters which discriminate the several genera of forms  
of

#### SECT. 4.] GOVERNMENT IN GENERAL. 271

of government enumerated in this section, without entering into a particular consideration of their various subdivisions. If the arrangement which I have suggested, together with the observations, to which it may give rise, should contribute to detect any prevalent political error or misstatement; or to confirm or propagate any political truth; or in any degree to facilitate the more general study of a science, which I deem to be highly important, I shall consider my labour well bestowed.

SECT.

## SECT. V.

*Simplicity not an adequate test of the goodness of a constitution.*

**P**REVIOUSLY to the consideration of particular forms of government, another general observation seems proper to be offered, namely, that simplicity is a very inadequate test for determining the comparative goodness of forms of government or constitutions. This observation cannot be deemed superfluous, when it is recollected, that simplicity has frequently been urged by political writers of directly opposite opinions, to prove the superiority of their respective systems.

Simplicity, considered as an abstract quality, infers neither praise nor blame; but it may become an excellence or an imperfection, in a secondary point of view, when considered in connexion with the subjects of which it was predicated; and especially with their conduciveness to the purposes for which they were designed. If an East Indiaman be well adapted

to

to convey merchandize and passengers over large tracts of ocean; its being a more complicated piece of mechanism than an American-Indian canoe, cannot without absurdity, be advanced as a proof of its inferiority. If the object in view were only to transport a few naked Indians across a narrow piece of fresh water, a canoe would be preferable to a vessel constructed after the model of an East Indiaman, chiefly on account of the greater simplicity of the one, and the complication of the other. The human frame is a most complex piece of mechanism; yet it is so admirably adapted to the various purposes of human life, that the skilful combination of so many contrivances in one system, constitutes perhaps the chief wonder of its excellence.

This explanation concerning the value of simplicity, is applicable to various other subjects, even to literary compositions, as well as to works of art, but particularly to forms of government. If a constitution be well adapted to promote political happiness; the simplicity of its contrivance may, with justice, be urged in its commendation: but if it be inadequate to answer

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the



the true ends of civil government; its simplicity may be its greatest defect. In fact, legislation, civil administration, distribution of justice, superintendence of manners, public defence, and other political functions, are so multifarious, that great simplicity in a form of government, or constitution, furnishes a presumption of defectiveness, rather than an argument in favour of their probable excellence.

## RECAPITULATION OF GENERAL PRINCIPLES.

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### PRELIMINARY PRINCIPLE.

A true knowledge of human nature, and the history of nations, are the genuine sources of political science.

### FIRST PRINCIPLE IN THE SCIENCE OF POLITICS.

Civil government is necessary to enable any considerable number of human beings to live with comfort in society.

### SECOND PRINCIPLE.

The great end of civil government is the general political happiness of the community.

### THIRD PRINCIPLE.

The consent of the community exclusively confers the right of civil government : or every political community possesses the right of forming its own constitution.

**FOURTH PRINCIPLE.**

Political resistance is criminal.

**FIFTH PRINCIPLE.**

To prohibit the emigration of citizens, or to enforce, their permanent residence, is unwarrantable and unjust, unfavourable to political happiness, and incompatible with the true foundation of the right of civil government.

**SIXTH PRINCIPLE.**

National characters are chiefly, if not wholly, produced by forms of government and constitutions, together with general education.

**END OF PART FIRST.**

**APPENDIX,**

# APPENDIX,

## No. I.

CONTAINING  
SOME ACCOUNT OF THE GOVERNMENTS  
OF THE AMERICAN INDIANS,  
AS REPORTED BY  
SOME OF THE EARLIEST DISCOVERERS,  
OR BY SUBSEQUENT TRAVELLERS. \*

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### SECT. I.

#### *Spanish Accounts.*

ALMOST all the nations conquered by the Spaniards in America, were under regal governments: of which some were hereditary, and others elective. Of the sovereigns, by whom those nations were governed, some had absolute authority, whilst the power of others was limited by a high privileged nobility, which

\* See note, page 27.

in some nations is said to have been divided into higher and lower classes. Tlascula indeed, and a few other states, are represented by Spanish writers as having been under republican governments. But they appear to have been only confederacies of independent and perhaps absolute chiefs, who had coalesced for the mutual defence of themselves and their subjects, against the power either of the Mexican government, or other neighbouring monarchies. Particular quotations in support of this general statement would be superfluous. Soto, whom Spanish writers have stiled the Conqueror of Florida (the name by which the whole continent of America to the northward of Cape Florida was at first distinguished) although he did little more than traverse the territories of a great number of different American tribes, in a fruitless search after gold, found all those tribes under the government of chiefs, whose authority was generally absolute.

Don Ulloa, who appears to have been as faithful and accurate as he was intelligent, informs us, that in South America, many villages and districts still retain the names of the Indian chiefs, by whom they had severally been governed



verned when conquered by the Spaniards. See Don Ulloa's Voyage, vol. i. book iii. chap. vi. He says that every village in Peru had anciently its chief, or Curaca; that they were all subdued by the Inca, and obliged to receive the laws of the empire; but that the Curacas were confirmed in all their hereditary rights of sovereignty compatible with the supreme prerogative. Ibid. book vi. chap. iii.

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## S E C T. II.

*French Accounts.*

THE earliest French reports on this subject, correspond with those of Spanish writers. Captain Jaques Carthier, who may be regarded as the first French discoverer of Canada, observed, in his first visit to that country, that the inhabitants were subject to the authority of political rulers, to whom he gave the designation of chiefs or lords: one in particular he styles the Lord of Canada. "His proper name was Donnacona; but by the name of Lord, they called him Agauhanna." He represents him as

having possessed great authority. See Carthier's Voyages, in Hackluyt's Collection, vol. iii. Carthier, afterwards, got this chief on board his ship, and carried him to France. His people expressed great sorrow at his detention on board; and were much rejoiced at Carthier's promise of bringing him back to them in twelve months. But he died in France.

Carthier's first voyage was in 1534, his second in 1535, and his third in 1540.

This Lord of Canada, on finding that he was to be detained from his country and subjects, appointed a regent to hold the reins of government during his absence. Carthier, on his return to Canada, in 1540, found that this regent, was still in possession of the government. His name was Agona: he discovered no symptom of resentment on hearing of the death of Donnacona. It was thought he bore it so well, because that event appeared to secure his continuance in the enjoyment of supreme authority.

We are told, in the same voyages, that in Hochelaga (a name given to some country on the banks of the river St. Lawrence) "The  
" lord

“ lord or king of the country was brought  
“ upon nine or ten mens shoulders, sitting upon  
“ a great stag’s skin; and they laid him upon  
“ the foresaid mats,” (some women had previously brought mats and spread them) “ near  
“ to the captain; every one beckoning to us,  
“ that he was their lord or king.”——“ This  
“ Agauhanna was a man about fifty years old:  
“ he was not a whit better apparelled than any  
“ of the rest, only excepted that he had a certain thing made of the skins of hedge-hogs,  
“ like a red wreath; and that was instead of  
“ his crown. He was full of the palsy, and his  
“ members shrunk together.” Hackluyt’s  
Voyages, vol. iii. page 221.

M. Roberval went to Canada in the year 1542, and made an attempt to settle there with a colony; but it did not succeed. His report concerning the government of the natives was,  
“ They have a king in every country, and are  
“ wonderfully obedient unto him; and they do  
“ him honour according to their manner and  
“ fashion.” Hackluyt’s Voyages, vol. iii. page 210.

Laudonniere formed a French settlement in Florida, in the year 1562: and he reported that

that all the Indians of that neighbourhood were under the government of chiefs, whom he also styles lords, or kings. In short, all the French navigators, or adventurers, who sailed to any part of the coast of North America, during the course of the sixteenth century, described the inhabitants of every district they visited as being governed in a similar manner. Sir John Hawkins visited Laudonniere's French settlement in Florida, in the year 1563. He reported that the French were then at war with the Floridians; and "were set upon by eighteen kings," who commanded seven or eight hundred men. See Sir John Hawkins's Voyage, in Hackluyt's collection.

To descend to a much later period, Lafitau, a French missionary, of the order of the Jesuits, resided for five years in North America, as a missionary, above two centuries after the discovery of the western world by Columbus. He gives a very particular account of the customs and manners of some tribes of North American Indians, as they existed in his time. He informs us, that among the Algonquins, and some other tribes, there are three classes of people, namely nobles, common people, and slaves. He

He describes in detail the political constitution of the Iroquois, which he says was aristocratical. Every village of these Indians was divided into three families or branches; and over each branch, a chief presided, whose authority was hereditary: yet one of the three chiefs had some pre-eminence over the other two, either from seniority, or on some other account. He had also some assistants, who were checks on his conduct. These were called Agoyanders, and commonly consisted of one out of every family of distinction: females were sometimes delegated to this office. There were, besides, elders in every tribe, who formed a kind of senate. Lafitau says, that the chiefs exerted much intrigue to carry any favourite point in their tribe or village, chiefly through the medium of orators, without discovering themselves to be concerned in the matter. He says, the women enjoyed the privilege of holding an assembly of their own, to deliberate on public affairs; and that they frequently communicated the result of their deliberations to the chief of the village, who thereupon consulted the senate, respecting the measure proposed by the female council. This and some other portions of political authority possessed by females

in



in several American tribes, he dignifies with the name of Gynecocracy. He reports, that hereditary chieftainships went in the female line, passing always to the children of the aunts, sisters, and nieces, on the maternal side of the last possessor. We are informed, that this order of succession prevailed also among the Natches; the supreme dignity of representative and brother of the Sun descending to the son of the female heir, whoever might have been his father.

Lafitau mentions also, that when an Indian chief took up the hatchet; every warrior, who offered to share in the glory of the expedition, gave to the chief a small bit of wood, on which some figure or device was painted in vermillion; this denoted that he had enlisted. But, although the engagement was voluntary, he says, it had anciently been customary to punish with death any one, who either deserted, or declined the warfare in which he had thus engaged; nay, that some instances of such punishment had happened within his own knowledge.

Charlevoix was also a French missionary of the same order. He informs us, that there were

were several tribes to the northward of Hudson's Bay, who frequently carried on war against other tribes, known to the French by the name of the Savannahs; and that neither of them tortured their prisoners of war to death, but kept them in slavery. See Charlevoix's Travels, Letter x. He does not say, whether this had been the ancient practice of those tribes; or whether it had been introduced among them, through the persuasion of French missionaries, to prevent the torture of prisoners of war. It is known, that the practice of selling captives as slaves, was thus introduced among some American tribes; but instead of producing a good effect, it is said to have caused the quarrels of Indian nations to be carried on with keener animosity, and with unremitted ardour. For some time passed, it is said to be the practice of the American Indians, either to torture their prisoners of war to death, or to adopt those whose lives are spared, into the families of some of the victors. Those who are thus adopted are said to be intended to supply the room of those who had fallen in the course of the war; whence they become real members of the tribe which adopts them. It is highly probable, that among the Americans anciently, all spared captives

tives were retained in slavery. Lafitau says, that this was the practice among them, even so late as his time; but that this servitude was considerably milder in some tribes than in others; nay, that in some tribes, their condition was not distinguishable from that of the ancient members of the tribe: so that in all probability, the American Indians, instead of adopting their captives, as they frequently do now, originally kept them in servitude.

Charlevoix informs us, that the quality of chief among the Hurons, a Canadian tribe, was hereditary. He had been present at a conference held between a French commander, and some heads of Indian tribes, one of whom was the Huron chief. But as he was under age, he came only for form's sake, his uncle holding the government for him. He says that the Hurons were more laborious, more prudent, and of greater foresight, than the neighbouring tribes. Charlevoix's Travels, Letter ix. and xvii. He says, "the greatest part of the people of this "continent," (North America) "have a kind of "aristocratic government, which varies almost to infinity. For although every village "has its chief, who is independent of all others  
" of

“ of the same nation, and on whom his subjects depend in very few things, nevertheless, “ no affair of any importance is concluded “ without the advice of the elders. Towards “ Acadia, the Sachems were more absolute; “ and it does not appear that they were obliged, “ as the chiefs were in almost all other places, “ to bestow bounties on private persons. On “ the contrary, they received a tribute from “ their subjects.” Ibid. Letter xvii. He says, the dignity of chief was elective among all the tribes of the Algonquins; and he says, that in general, those chiefs did not receive any great mark of respect; and that, if they were always obeyed, it was because they knew how far their commands would have force. He says, “ it is “ very certain, that impunity has not always “ prevailed among them, as it has done in these “ later times; and even our missionaries have still “ found some traces of the ancient rigour, “ with which they used to punish crimes.” Ibid. Letter xvii. He says, in another letter, “ The chief of the Chouachas is very absolute, “ as are all those of Florida: he never hunts, “ nor shoots, but for his diversion; for his “ subjects are obliged to give him part of their “ game.” Ibid. Letter xxxi. In the course of  
his

his Letters, he specifies several changes which had taken place in Indian customs.

Bossu, another French writer, tells us that the grand chief of the Illionois Indians, was descended of the Tamarvas, who had formerly been sovereigns of that country. See Bossu's Travels through Louisiana, Letter vii. In Letter x. he says, that every tribe bordering on the Mississippi, was governed by a petty king, or Cacique, who depended only on the Great Spirit, or Supreme Being; but that the post of captain, or chief of war in each nation, was occupied only by such as had shewn themselves qualified. In Letter xvi. he talks of the emperor of the Hawytas, who came to visit the fort or garrison, in which he was stationed. As this emperor was only eighteen years of age, his nation had appointed "a noble and wise old man as his regent." The emperor was accompanied on this visit, by his regent, his chief of war, his doctor or juggler, and his hired servant.

DuPratz's account of the political institutions of the Natches is extremely curious.

SECT.



## S E C T. III.

*English Accounts.*

THE first English voyagers to America bear their testimony also to the general prevalence of despotism in that country, when it was discovered.

In Forbisher's second voyage, in the year 1577, we are told, that in a high northern latitude, the lands being covered with snow, in June, "the natives made signs or tokens of their king, whom they call Cacaugh." He was carried on mens shoulders. See Hackluyt's Voyages, vol. iii. page 36.

Sir Francis Drake, in the course of his voyage round the world, undertaken in the year 1579, remained some time in a bay on the western coast of America, in thirty-eight degrees north latitude, and had some intercourse with the inhabitants; who were governed by a chief or king. The writer of this voyage, as we have it in Hackluyt's collection, gives an account of a visit, which Sir Francis received

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from

from this chief, and which two ambassadors came to announce to him. "In doing which  
"message," he says, "their speech was continued  
"for half an hour. This ended, they re-  
"quested our General to send something by  
"their hand, to their king, as a token, that  
"his coming would be in peace." When the  
king arrived, with a numerous attendance, it  
is related that, "in the fore-front was a man  
"of a goodly personage, who bore the sceptre,  
"or mace before the king, whereupon hanged  
"two crowns, a less and a bigger, with three  
"chains of a marvellous length. The crowns  
"were made of knit-work, wrought artificially  
"with feathers of divers colours. The chains  
"were made of a bone-substance; and few be  
"the persons among them that are permitted to  
"wear them. Next unto him who bore the  
"sceptre, was the king himself, with his  
"guards about his person, clad with coney,  
"and other skins. After them followed the  
"naked common sort of people, every one  
"having his face painted, some with white,  
"some with black, or other colours, and  
"having in their hands something or other for  
"a present." See Hackluyt's Voyages.

The

The first English voyage to Virginia was performed in the year 1584, at the charge of Sir Walter Raleigh, and by his direction. It is well known, that on the return of this expedition to England, the name of Virginia was given to almost all that part of the continent of North America, which the Spaniards had formerly distinguished by the name of Florida. The account of this voyage, which the captains of the Expedition transmitted to Sir Walter Raleigh, is preserved in Hackluyt's collection. They made good their landing on an island on the coast. " The next day, there came divers  
" boats, and in one of them came the king's  
" brother, accompanied with forty or fifty men,  
" very handsome and goodly people, and in  
" their behaviour as mannerly and civil as any  
" of Europe. His name is Granganimeo; and  
" the king is called Wingina, the country  
" Winganducoa, and now by her majesty, Virginia. The manner of his coming was in  
" this sort. He left his boats all together by  
" the shore; and came along to the place over  
" against the ships, followed with some men.  
" When he came to the place; his servants  
" spread a long mat upon the ground, on which  
" he sat down, and at the other end of the mat,

“ four others of his companions did the like,  
“ and the rest of his men stood round about,  
“ somewhat afar off. When we came to the  
“ shore to him, with our weapons, he never  
“ moved from his place, nor any of the other  
“ four, nor never mistrusted any harm to be  
“ offered from us ; but sitting still, he be-  
“ koned to us to come and sit by him, which  
“ we performed ; and being sat, he made all  
“ signs of joy and welcome, striking on his  
“ head and his breast, and afterwards on ours,  
“ to shew we were all one, smiling, and making  
“ shew, the best he could, of all love and fa-  
“ miliarity. After he had made a long speech  
“ unto us, we presented him with divers things,  
“ which he received very joyfully and thank-  
“ fully. None of the company durst speak one  
“ word all the time ; only the four, which  
“ were at the other end, spoke one to the  
“ other's ears very softly.”—“ The king was  
“ greatly obeyed, and his brothers and  
“ children revered. The king was, at our  
“ being there, sore wounded in a fight which  
“ he had with the king of the next country ;  
“ and was shot in two places through the  
“ body ; and once dead through the thigh ;  
“ but yet recovered ; by reason whereof, and  
“ for

“ for that he lay at the chief town of the coun-  
“ try, six days journey off, we saw him not at  
“ all. After we had presented this his brother,  
“ with such things as we thought he liked ; we  
“ likewise gave somewhat to the others, that sat  
“ with him on the mat ; but presently he arose,  
“ and took all from them, and put it into his  
“ own basket, making signs and tokens that  
“ all things ought to be delivered unto him ;  
“ and the rest were but his servants and fol-  
“ lowers.” Hackluyt’s Voyages, vol. iii. page  
247. This brother of an American king,  
and his consort, were distinguished from the  
rest by their dress, as were some others also,  
whom the English called Nobles : the wives  
of the latter were likewise distinguished from  
those of the rest of the people. The wife of  
the king’s brother visited the English ships,  
accompanied by a considerable train of at-  
tendants. They both seemed to command  
the ready obedience of all the people. They  
received the English in their turn, with the  
most cordial hospitality. The writers of this  
voyage report, that they were informed of the  
names of several adjoining countries, which  
were governed by their respective kings ; who



were engaged in mutual animosities and hostilities, or alliances,

In the year 1585, the second voyage to Virginia was performed by Sir Richard Grenville. This, as well as the former, was under the auspices of Sir Walter Raleigh. But it might appear tedious to quote largely; from the account we have of it. The English who went on this expedition, had some intercourse with the kings of different districts, which they visited. The writers of the voyage relate, that Granganimeo brother to king Wingina, came on board the admiral; that they called their kings Weroannces; and that they were not elective. One of them is described, as having lost the use of his limbs; but otherwise, "for a savage, a very grave and wise man." This expedition left some of their number in Virginia, in order to form a settlement; but those who were left returned to England in the summer of the year 1586.

The third expedition to Virginia failed in 1586, at the sole charges of Sir Walter Raleigh. The object of it was to form a settlement: but the people were discouraged by their not finding

ing the former settlers, who had sailed for England, before the arrival of the third expedition; and therefore could not be prevailed upon to remain in the country. It may be proper here to observe to the reader, that all the preceding quotations from Hackluyt are exactly copied, excepting the orthography, which is not uniform, and was therefore thought unnecessary to be retained.

The first English colony, which effected a permanent settlement in Virginia, arrived there in the year 1607. This colony also found, that all the American tribes, which they visited, were under the government of kings, of whom several were tributary to a supreme king or emperor, who had subjected them to his dominion. The following account of this emperor is taken from Smith's History of the first discovery of Virginia, which is chiefly copied from Hackluyt. "His dominions descended, " not to his sons or children, but first to his " brothers, whereof he had three; and then " to his sisters, according to their seniority; " and after them to the heirs male or female " of the eldest sister; and so of the rest, but " never to the heirs of the males."—"He lived

“ in great barbaric state, or magnificence. He  
“ usually had about his person forty or fifty of  
“ the tallest men his country afforded; which  
“ guard was, after this time, increased to two  
“ hundred, on account of the English.” Smith’s  
History of Virginia, page 64. “ He had under  
“ him thirty inferior kings, or werowannees,  
“ who had power of life and death, but were  
“ bound to govern according to the custom  
“ of their country. However, his will was  
“ in all cases the supreme law, and must be  
“ obeyed. They all knew their several lands,  
“ habitations, and limits to fish, fowl, and  
“ hunt in; but all held of their great Wero-  
“ wannee, to whom they paid tribute of skins,  
“ beads, copper, pearl, deer, turkies, wild  
“ beasts, and corn. All his subjects revered  
“ him, not only as a king, but half a God;  
“ and it was curious to behold with what fear  
“ and devotion they obeyed him.”—“ Yet he  
“ would make his own robes, shoes, bows, ar-  
“ rows, and pots; and hunt, plant, and do  
“ every thing, like the rest.” Smith’s History  
of Virginia, page 54 & 55.

The kings of several other tribes had formed  
a confederacy against the power of this em-  
peror.

peror. His daughter visited England in the reign of James the First, and was introduced to some of the royal family. She was afterwards married to an English gentleman; and some of her descendants are said to be living in America.

The English, we are told, found in Virginia a singular instance of a nation called the Chickahominees, who had no werowannee, or single ruler, "but were governed in a republican form by their elders. These were their priests, or some of the wisest of their old men, as assistants to them." [See Hackluyt and Smith] This tribe took all opportunities of endeavouring to shake off the yoke of the emperor; its government was probably similar to that of Tlascala.

These English colonists reported, that all the American tribes were held in subjection to their political rulers, by the force of their religious opinions. The Virginian Indians lived in small towns, some containing no more than ten or twelve houses; some twenty; and the largest the English had seen, thirty. In some parts of the country, only one town belonged to a chief, or king; other chiefs governed two, three,

three, eight, or more towns: but the greatest number of towns they had known to be governed by one king was eighteen, containing between seven and eight hundred fighting men.

In that part of America likewise, which was afterwards called New England, all the natives were found by the first English colonists to be governed in a similar manner. They were not only divided into tribes, each under the government of a particular chief, who was denominated Sachem, or Sagamore; and whose authority descended by inheritance; but it was frequent also for a number of tribes to be united under one supreme sachem, to whom the particular chiefs of the several united tribes, acknowledged subordination or subjection. Hutchinson, in his History of Massachusetts Bay, particularly specifies the Nara-ganset Indians, as being thus subject to a great chief; yet as consisting of several tribes under subordinate sachems: he mentions some other general divisions of the New England Indians, who were under the same kind of government\*.

\* Hutchinson's History of Massachusetts Bay, vol. 1. chap. 6.



In Bellknap's History of New Hampshire, all the tribes round Piscataqua, although each had a distinct sachem, are said to have "owned subjection to a sovereign prince, called Basaba, whose residence was at Penobscot." He says, "it was soon afterwards found that the Tarratenes, who lived farther eastward, had invaded his country; surprised and slain him, and all the people in his neighbourhood, and carried off his women, leaving no traces of his authority. Upon which, the subordinate sachems, having no head to unite them, and each one striving for the pre-eminence, made war among themselves, by which means, many of their people, and much of their provision was destroyed. When Sir Richard Hawkins visited the coast in 1615, this war was at its height†." Yet when the first English settlements were formed in New Hampshire, the remains of those tribes, although they had each their several sachems, acknowledged subjection to one great sachem, or sagamore.

† Bellknap's History of New Hampshire, chap. v.

Such

Such was the state in which civil government was found among the native Americans, when the first English colonies settled in Virginia and New England. At the distance of about a century and a half, subsequent to this period, we find the political condition of those Indians extremely different from the preceding description. Such change was a natural consequence from the numerous revolutions, as well as the depopulation which had taken place among them, during that interval. Yet although the authority of their political rulers was gradually declining, since their first acquaintance with the English, strong traces of their ancient distinctions were still discernible.

In Hutchinson's History of Massachusetts Bay, and in Douglas's Summary, mention is made of Indian squah-sachems, or female chiefs. The former specifies particularly, that the son of a chief succeeded his father; but, if there was no son, the queen ruled; and if no queen, the next of kin of the blood royal.

Colden's Account of the Government of the Five Nations, who are the Iroquois of the French, and were afterwards called the Six Nations,

Nations, on the accession of a sixth tribe to their confederacy, is very short, as well as general; but it does not contradict the more detailed account of Lafitau, of which an abridged extract was given in the preceding section.

Mr. Carver visited several Indian tribes in the interior parts of North America, about the middle of this century. He says, that every band of those Indians had a chief warrior, who was elected for his warlike qualifications; but that, besides him, there was another, who enjoyed an hereditary pre-eminence, and the more immediate management of their civil affairs. His assent was necessary to all conveyances, or treaties. He says also, that in some nations, where this hereditary dignity obtained, the succession to it was limited to the female line. See Carver's Travels through the Interior Parts of America.

Mr. Pitman, in his Present State of the European Settlements on the Mississippi, page 40, says, "th at the Aracansas, or Quapas, are divided into three villages, over each of which  
" presides a chief, and a great chief over all:  
" they amount in all to about six hundred warriors;

“riors; they are reckoned among the bravest  
 “of the southern Indians; they hunt little  
 “more than for their common subsistence; and  
 “are generally at war with the nations to the  
 “westward of them; and they frequently bring  
 “in young prisoners and horses, of which they  
 “dispose to the best advantage.”

All the tribes with which Captain Cook had any intercourse, on the western coast of North America, particularly in the neighbourhood of Nootka Sound, had permanent chiefs; who, he says, might have succeeded by inheritance, as he observed some of them were young, and therefore not deriving their authority from age.

SECT.

## S E C T. IV.

*It is probable that the despotism of the governments of the American Indians has been gradually softening, through their intercourse with Europeans.*

THE testimonies, which have been adduced in the three preceding sections, appear sufficient to establish beyond a possibility of doubt, that the Indians of North America, before their acquaintance with Europeans, had not only enjoyed the benefit of civil government, but had been accustomed to the permanent and even hereditary authority of chiefs, of whom many at least were absolute. When this is admitted, it must also be allowed, that those Americans must have been struck with surprize on discovering the equality of rank, which prevailed among the first English colonists, especially those who settled in New England. Most of these had left their native country, under the influence of political principles, which are termed Republican; and their situation, after their settlement in America, was peculiarly adapted to propagate notions of equality



lity among them. They were chiefly supported by agriculture, excepting those who lived by trade in towns, or by fishing on the sea-coast. Every farmer, or planter, possessed a freehold, which he cultivated with his own labour. They elected their own magistrates, and changed them from time to time; and every planter, who had behaved to the satisfaction of his neighbours, was eligible to certain public offices. They had also a legislative assembly elected by the inhabitants. They had a governor, indeed; and he generally came to them from a distant country; but his office was neither hereditary, nor for life. This remarkable equality of rank which prevailed among the first New England colonists, could not escape the observation of the neighbouring American tribes: and it is more than probable, that their acquaintance with a state of society so widely different from that to which they had been accustomed, contributed more than any other circumstance to diminish the authority of their ancient chiefs, and gradually to introduce the system of equality which is said to prevail at present in some of their tribes. A person, who should have access to all the public records in the United States of America, and to the communications transmitted at different times to the government of this

this country from the American colonies, might doubtless have it in his power to confirm this statement. If the history of the intercourse between every colony and the several Indian tribes in its neighbourhood, were accurately traced, with a view to ascertain the state of civil government among those Indians at successive periods, documents would probably be found sufficient to establish beyond controversy, that the North American Indians were originally indebted to the English colonists for their present notions of equality, instead of those colonists deriving any such notions from the American Indians.

# APPENDIX,

## No. II.

**CONCERNING SOME UNACCOUNTABLE  
CUSTOMS FOUND IN AMERICA, WHICH  
WERE EXACTLY SIMILAR TO CUSTOMS  
ANCIENTLY PREVALENT IN ASIA AND  
EUROPE\*.**

### SECT. I.

*The worship of the sun, particularly by sacrificing human victims, especially prisoners of war.*

**I**T is well known, that the worship of the sun and fire prevailed anciently in many countries of Asia, Africa, and Europe: perhaps it was universal. Whatever may have been the origin of this superstition, its prevalence in Ame-

\* See note, page 40.

rica, as well as on the old continent, appears unaccountable, without the supposition of an ancient communication between those different quarters of the world. Some have pretended, that the splendor and glory of the sun, together with the innumerable benefits which it sheds on mankind, would naturally recommend it to the inhabitants of all countries, as an object of religious adoration: but if this should be admitted, it would still be unaccountable that different nations should, as it were instinctively, adopt the same mode of expressing their homage, and performing their worship to this luminary.

It was the common belief of many nations in the ancient world, that their sovereigns were the offspring of the sun. Herodotus informs us, that the Scythian nations, according to the earliest accounts of them, had been governed by kings, whom they believed to be the descendants of Hercules†. But Hercules was unquestionably another name for the sun, borrowed probably from Egyptian hieroglyphics, his twelve labours corresponding to the twelve months of the year: and we learn from Herodotus, that Vesta, the goddess of fire, was

† Herodotus, l. iv. c. 10.

the supreme deity of the Scythians. It is well known, that the monarchs of Persia boasted of a solar descent; and several of the kings of Egypt used to trace their pedigree to the same luminary. In like manner, the emperors of Mexico, the incas of Peru, and the chiefs of the Natches, and of several other American tribes, were the sons, the brothers, or the representatives of the sun.

Many nations on the ancient continent, as well as in America, used to perform their religious worship to the sun, by sacrificing human victims, especially prisoners of war. This appears to have been the practice of the ancient Germans. Cæsar informs us, that he dispatched one Caius Valerius Procilius as a kind of envoy to Ariovistus. This German prince put the Roman in chains, on pretence of believing him to be a spy; and he reported, that lots were thrice cast, in his own presence, to determine whether he should be put to death by fire immediately, or reserved for some future occasion; and that his life had been preserved only by the chance of the lots †.

\* † Is, se præsentē, de se ter fortibus consultum dicebat, utrum igni statim necaretur, an in aliud tempus reservetur;



Tacitus informs us, that the Germans were accustomed to offer human victims on stated days to Mercury, who was the supreme object of their worship †. We learn from this author also, that the Germans sacrificed on altars, in consecrated groves, all the Roman tribunes and chief centurions, whom they had taken prisoners, at the defeat of the Roman legions under Quintilius Varus, in the reign of Augustus ‡. We learn also from him, that the commander of a German army, sometimes devoted the whole opposing army to Mars and Mercury; after which, if he proved victorious, every thing belonging to the enemy, that could be captured, was sacrificed \*. But Mercury,

retur; fortium beneficio se esse incolumem. Cæs. de Bello Gall. l. i. c. 53.

† Deum maxime Mercurium colunt, cui, certis diebus, humanis quoque hostiis litare fas habent. Tacit. de Moribus Germ. c. 9.

Stato tempore, in silvam auguriis patrum et prisca formidine sacram, omnes ejusdem sanguinis populi legationibus coeunt; cæsoque publice homine, celebrant barbari ritus horrenda primordia. Ib. c. 39.

‡ Tacit. Annal. l. i. c. 61.

\* Victores adversam aciam Marti ac Mercurio sacravere; quo voto, equi, viri, cuncta victa occidioni dantur. Tacit. Annal. l. xiii. c. 57.

or Hermes, was accounted the chief of the gods by other nations, as well as by the Germans; and several writers have clearly shewn, that by these names, the sun was originally meant. See especially Macrobius, in his *Saturnalia*, l. 1. It is only by understanding the Mercury whom the Germans worshipped, to have denoted the sun, that we can reconcile Cæsar's account of the religion of the ancient Germans with that which has been given by Tacitus. Cæsar says, that the Germans chiefly worshipped the sun, the moon, and Vulcan, the god of fire: but this is entirely conformable to the assertion of Tacitus, that the Germans chiefly worshipped Mercury; if we understood the sun to have been designed by this appellation.

Both Plato and Cicero testify that the Mercury of the Romans, or the Hermes of the Greeks, was called Theuth, or Thoth, by the Egyptians: and, according to some editions of Livy, Mercury was worshipped in Spain, under the name of Teutates\*. Lucan also describes the Gauls as worshipping Teutates with much the same horrid rites which Tacitus de-

\* Livy, l. xxvi.

scribes as practised by the ancient Germans in worshipping Mercury \*; and the same deity was doubtless meant by these names. Hence Cluverius makes it highly probable, that, as Mercury was the Theuth of the Egyptians, and the Teutates of the Gauls, he was also the Tuisco of the Germans, mentioned by Tacitus †. The similarity between those appellations furnishes a farther confirmation, that the German deity, to whom the Romans gave the name of Mercury, was the sun.

Macrobius has also proved that Mars and Ares, as well as Mercury and Hermes, were names for the sun; and to him the Germans offered human victims, or to the sun under the former appellations, as well as the latter.

The practice of sacrificing prisoners of war to the sun, prevailed anciently in several other nations as well as among the Germans; and

† Et quibus immitis placatur sanguine diro  
Teutates, Horrensque feris altaribus Hæsus,  
Et Taranis, Scythicæ non mitior ara Dianæ.

Luc. Phar. l. i. v. 443.

† Cluverii Germania Antiqua.

probably were always made subservient to the purposes of divination. The worship which the Gauls rendered to Teutates by human sacrifices has been already mentioned. Strabo informs us, that the Lusitanians used to cut off the right hands of their captives, and devote them to the gods; and that they used to offer a he-goat, together with human captives, and horses, in solemn sacrifice to Mars; also that their priests, from circumstances attending the sacrifice of human victims, particularly from the appearance of their entrails, used to predict future events\*.

We learn from Ammianus Marcellinus, that it was the practice of some of the Gothic nations, to sacrifice human captives to Bellona and Mars †, both which names originally meant the sun.

Herodotus informs us, that the Scythians were accustomed to sacrifice every hundredth

\* Strabo, l. iii. c. 16.

† Et partem earum habitavere Scordisci, longe tunc ab iisdem provinciis disparati; sævi quondam et truces, ut antiquitas docet, hostiis captivorum Bellonæ litantes et Marti; humanumque sanguinem in ossibus capitum cavis bibentes avidius. Ammian. Marcell. l. xxvii. c. 4.

captive

captive to Mars\*; that the Massagetæ in particular, who were a Scythian nation to the eastward of the Caspian Sea, used to sacrifice horses to the sun, the sole object of their worship §; and that the Lybians and other African nations worshipped only the sun and moon ||: and to these luminaries doubtless their human sacrifices were offered.

We learn also from Herodotus, that when Cyrus king of Persia, took Sardis, the capital of Lydia, he ordered a pile or altar to be reared, on which he intended to sacrifice Cræsus and twice seven Lydian youths, by burning them alive as an offering to some God, doubtless to the sun, the great object of the Persian worship †; and although the life of Cræsus was spared, yet doubtless the sacrifice was performed, and some other victim substituted for the Lydian king. Herodotus informs us also, that when the Persian army under Xerxes, came to the river Strymon, in Europe, the Magi, who were the

\* Herod. l. iv. c. 62.

§ Herod. l. i. c. 216. Horses were sacred to the sun in Persia.

|| Herod. l. iv. c. 188.

† Herod. l. i. c. 86.



Persian priests, of the sun, buried alive nine boys and girls of the inhabitants †.

We learn from Livy, that the Romans, in like manner, in order to appease the anger of the gods, buried alive two Gauls and two Greeks, namely a male and female of each of these nations, in a place where it had formerly been customary to offer human sacrifices; but the historian observes, that to offer such sacrifices was not an usual Roman practice §. Yet in the second Punic war, we find Marcellus, after a victory, burning all the spoils taken from the enemy, as an offering to Vulcan, in consequence of a vow which he had made before the battle ||: and a similar offering had been made by Q. Fabius Maximus, in the war against the Samnites \*.

When the Sicilian tyrant Agathocles transported his army into Africa, and after having defeated the Carthaginian troops in battle, was approaching the walls of Carthage, the Carthaginians attributed their misfortunes to the anger of the guardian gods of their country, on account of

† Herod. l. vii. c. 114.

‡ L. xxiji. c. 46.

§ Liv. l. xxii. c. 57.

\* L. x. c. 29.

their

their having neglected the worship which they had been accustomed to render them. As they were a Tyrian colony originally, they sent magnificent gifts to the Tyrian Hercules. Formerly they used to send him annually the tenth part of their produce; but had neglected this custom since they had become wealthy and powerful †. But this Tyrian Hercules was another name for the sun, the great object of the Phenician worship. The Carthaginians had also been accustomed to sacrifice some of their children by fire to Saturn §; and those who had no child of their own, were obliged to purchase a substitute for the sacrifice. Hence a custom had crept in among them of some wealthy parents purchasing children, and rearing them as victims to Saturn, in order to save their own children. But under the superstitious panic into which they were thrown by the approach of Agathocles, they made enquiry, and found that two hundred of the noblest youths of Carthage had thus been spared; and they were immediately sacrificed. Together with them, three

† Diodorus Siculus, l. xx. pag. 739, 740.

§ Mos fuit in populis quos condidit advena Dido  
 Poscere cæde deos veniam, ac flagrantibus aris,  
 Infandum dictu, parvos imponere natos.

v. 767. Sil. Ital. L. iv.

hundred

hundred persons, who were either criminals, or liable to accusations, offered themselves as voluntary victims. If the Carthaginians had taken any prisoners of war, some of them would doubtless have been sacrificed at the same time. This appears at least to have been their usual practice. Diodorus Siculus, after relating that an accidental fire had broke out in the Carthaginian camp, by which many of their soldiers were scorched to death, remarks that it was probably a judgment which the gods had inflicted upon them for torturing their prisoners of war by fire. This historian describes the manner in which the sacrifice was performed. There was a brazen image of Saturn with outstretched arms, yet reclining in such manner, that the victim as soon as placed upon the image, rolled off, and fell into a furnace full of fire†. And we learn from Plutarch, that flutes and other musical instruments, played all the time, to drown the cries of the victims‡. But Selden has clearly shewn that the deity to whom the Carthaginians thus sacrificed human victims, and who was denominated Saturn by the Latins, and Kronus by the Greeks, was the same with the

† Dion. Sicul. l. xx. pag. 739, 740.

‡ Plutarch. de superstitione.

Moloch of the Syrians; and originally meant the sun †. We learn from Livy, that while Hannibal was in Italy, he burnt alive a person whom he suspected of treachery, together with his wife and children, doubtless as a sacrifice ||.

It is well known that human sacrifices for the purposes of propitiation, as well as divination, constituted a principal part of the Druidical worship; and their deity was probably Teutates, or the sun.

The general prevalence of this superstition led Plutarch to remark, that it had been better for the Gauls and Scythians to have been altogether ignorant of the existence of a deity, than to have believed as those nations did, that the gods were delighted with the blood of human victims, and received them as the most acceptable offerings §.

The difficulty of accounting for this superstition, upon any natural principles, must be

† Selden de dis Syris Syntagma, i. c. 6.

See also Macrobius, Saturnalia. L. i. c. 22.

|| Liv. l. xxiv. c. 45.

§ Plut. de Superstitione.

regarded

regarded as a strong presumptive proof, that America was originally peopled from some country, where the worship of the sun, and the practice of sacrificing human victims to that luminary, had anciently prevailed.

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SECT. II.

*Lafitau's comparison of the manners of the American Indians with those of the earliest times — Scalping anciently practised by the Gauls as well as by the northern nations: also by the Romans.*

THE world is much indebted to Lafitau for the circumstantial account which he has given of the customs and manners which prevailed in his time among the North American Indians, situated in the neighbourhood of the French settlements. He has endeavoured to trace a resemblance between the manners of the American savages and those which are recorded of the earliest inhabitants of the old continent. Whatever may be thought of his general theory

on



on this subject, or of the conclusiveness of some etymological and other conjectural arguments which he employs in the discussion; every candid reader must acknowledge that he has satisfactorily established the striking conformity between several unaccountable practices which prevailed in the old world, and others which were found in America. Some of the customs which he proves to have obtained in both continents, appear so unconnected with human affections or propensities, or with local circumstances, and so unlikely to have been generally adopted as a result of reflection, that their existence in different countries, like that of the worship of the sun and of human sacrifices, seems necessarily to infer an intercourse in passed times.

Some ancient nations sacrificed dogs to Mars before going to war. Must we not, with Lafitau, ascribe to an ancient communication with some of those nations, the practice of such American tribes as sacrificed a dog to Areskoui their god of war, before they set out on an expedition? The American Indians not only painted their faces, like many ancient nations; but also marked other parts of their bodies with indelible

lible coloured impressions of certain figures or devices. We learn from Herodotus, that to be thus punctured, was a mark of nobility among the ancient Thracians †. The same practice has also been found in all the lately-discovered islands in the South Sea. The American Indians rooted out their beards, like some ancient nations on the old continent. It was this beardless appearance of the Americans which induced many travellers to believe and report, that Nature had denied them that ornament, or excrescence. Several rules of succession established in America, and various incantations of their priests or conjurers, with many of their cures and their method of performing funerals, were conformable to ancient practices in several countries of Asia and Europe: yet they were such as we can hardly suppose to have been aboriginal in different countries. The same may be said concerning the ancient American practice, which Lafitau describes, of drying and smoking the dead bodies of their chiefs, and preserving them like Egyptian mummies.

† Καὶ τὸ μὲν ὀτρύνει, εὐγενὲς κηρύσσεται, τὸ δὲ ἀσπίκτον ἀγενε.  
Herod. l. v, c. 6.

Perhaps

Perhaps no custom found among the North-American Indians has appeared to Europeans more remarkable, or more barbarous, than that of taking the scalps of their enemies, and preserving them as trophies of victory, and exhibiting them as proofs of valour. Yet we learn from ancient writers, that the same practice prevailed both in the northern nations of the old continent, and among the ancient Gauls. Strabo informs us, that when the Gauls were returning from battle, they used to suspend the scalps of their enemies about the necks of their horses †, and afterwards to set them up as trophies in their houses. The scalps of men of eminence, he says, they would not ransom for their weight in gold. He says that this practice, with some others equally barbarous, continued in Gaul till suppressed by the Romans. Livy also mentions this as a practice of the Gauls ‡. Herodotus describes

the

‡ Από της μάχης αποιοῦντας, τὰς κεφαλὰς τῶν πολεμίων ἐξάπτουσιν ἐν τῶν αὐχένων τῶν ἵππων. Strabo, l. iv. c. 21.

† In conspectu fuere Gallorum equites, pectoribus equorum suspensa gestantes capita, et lanceis infixæ, ovantesque moris sui carmine. L. x. c. 26.

As the Gauls could not possibly carry off in this manner the heads of all whom they slew in battle, it was probably

Y

the

the manner in which the operation of scalping was performed by the Scythians ; and it corresponds exactly with that which is now practised by the American Indians. He says farther, that the Scythians used to present to their king the scalps which they had taken ; and that the person who produced no scalp was entitled to no share of the plunder †. Diodorus Siculus relates, that the Gauls who sacked Rome, employed the first day after the victory, which they had obtained over the Romans, in scalping those whom they had slain, agreeably to the custom of their country ‡ : and according to Paulus Orosius, the Roman soldiers un-

the scalps only which they generally suspended to the necks of their horses. Livy informs us indeed, that when the Boii defeated the Roman consul Posthumius, they carried off his head, and set the skull in gold, and used it as a sacred vessel in their most solemn libations, and as the drinking-cup of the priests of their principal temple (dedicated doubtless to the Sun). *Purgato inde capite, ut mos iis est, calvam auro calavere: idque sacrum vas iis erat, quo solennibus libarent; poculumque idem sacerdoti esse, ac templi antistibus.* Liv. l. xxiii. c. 24. But it is well known that the Scythians and other northern nations consecrated the skulls of some of their enemies in a similar manner ; yet in general, as appears from Herodotus, they only scalped them.

† Herodot. l. iv. c. 64.

‡ Diod. Siculus, l. xiv. pag. 455.

der Marius, subjected the women of the Cimbri and Teutones to the same brutal treatment: an instance of barbarity, which that historian seems to describe in an unfeeling manner †.

The practice of giving and receiving presents at all negotiations, prevailed in America as well as in all the eastern nations.

† *Mulieres (Teutonum et Cimbrorum) gravio- rem pene excitavere pugnam, quæ plaustris in modum castrorum circuminstructis, ipsæ autem desuper propugnantes, diu repulere Romanos. Sed cum ab his novo cædis genere terrentur (abscissis enim cum Crine verticibus, inhonesto satis vulnere turpes relinquebantur) ferro quod in hostes sumperant, in se suosque verterunt. Pauli Orosii Historia, l. v. c. 16.*



## APPENDIX,

### No. III.

THE POLITICAL CONDITION OF WOMEN  
IN SEVERAL RUDE NATIONS,  
AS RECORDED IN HISTORY,  
SEEMS ALTOGETHER DIFFERENT  
FROM THE THEORY ON THAT SUBJECT,  
WHICH HAS BEEN  
ASSUMED IN SOME MODERN SYSTEMS. \*

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#### SECT. I.

*The theory of the slavery of women, in rude  
ages, chiefly rests on a speculative assumption  
which does not appear to be well founded.  
The theory not supported by the authority of  
Aristotle. The circumstance of women, in*

\* See note, page 61.

*a rude*

*a rude state of manners, being employed in offices which have been reckoned servile in times of greater refinement, is not a proof of their servitude. Plato's report of the condition of women among the Sauromata, Thracians, and Greeks. The Spartan Ladies.*

THE slavery of the fair sex among all nations in a rude state of society, has been assumed in modern theory. See Lord Kaimes's Sketches of the History of Man, vol. i. Dr. Robertson's History of America, vol. i. Professor Millar on the Distinction of Ranks in Society, chap. i. and his Historical View of the English Government, book i. chap. ii. pages 36, 37. Notwithstanding such authorities, a person who has occasion to peruse the accounts we have of the manners of the American Indians, will find his belief in the modern theory staggered, by numerous instances of the political importance and authority of females in rude American tribes. In fact, the speculative assumption, by which this theory is chiefly supported, appears not to be well founded. It is stated, that man in savage life has indeed few wants; yet that he is so incessantly occupied in toiling to procure the ne-

cessary means of subsistence; that he has no leisure for cultivating an intercourse with the softer sex. But instead of this, we find, that idleness is the general characteristic of those denominated savages; that they pass much of their time in amusements, or repose; and that the toil and industry of men in society have generally increased, and not diminished, with their progress in refinement.

Aristotle has been quoted as supporting the modern theory, by asserting that “females were “in the rank of slaves among the barbarians\*.” But we find Aristotle reporting also, that the women ruled the men in all military and warlike nations; excepting among the Celts, *καὶ ἐν τῇσι ἑταίροις φανερὸς τετιμνωμένη τὴν πρὸς ἀρσενας συνουσίαν*; which he conceives to be the reason, that induced the mythologists to fable the connexion between Mars and Venus †; and as savage nations have generally been reputed warlike, we may consider Aristotle as asserting, in contradiction to the modern theory, that the women generally rule the men in savage nations; and although this remark may

\* See Millar on the Distinction of Ranks, chap. i.

† Aristot. Polit. l. ii. c. vii.

perhaps

perhaps have been suggested by the example of the Spartans, yet he advances it as a general observation. But Aristotle was certainly too accurate a writer to contradict himself so palpably as he apparently does, by such opposite assertions. How then shall this philosopher be rendered consistent with himself?

The seeming contradiction arises, from taking a few words which relate to barbarian women, separately from the rest of the sentence: but if the scope and connexion of the whole be considered, it will be found to contain no assertion, either of opinion or fact, in favour of the theory which allots servitude to women in all rude nations \*. It is evident that the object which Aristotle had in view, in the passage inserted in the margin, was not to point out the relative conditions of men and women in any age or country; but to

\* Αρχοι δε φυσει και αρχομενοι, δια την σωτηριαν. το μιν γαρ δυναμειον τη διαγοια προορᾶν, αρχοι φυσει, και δισποχοι φυσει, το δε δυναμειον τῷ σωματι ταυτα ποιειν, αρχομενοι και φυσει δουλοι. Διε δισποχη και δουλω, ταυτα συμφερει, φυσει μιν ουκ διαριεται το θηλυ και το δουλον.—Εν δε τοις Βαρβαροις, το θηλυ και δουλον την αυτην εχει ταξιν, αιτιον δε οτι το φυσει αρχον ουκ εχουσιν, αλλα γινεται η ποιωνια αυτων δουλ ης και δουλου. Arist. Polit. l. i. c. i.

prove, that in all countries, there was a natural distinction between freemen and slaves : Nature, according to this philosopher, having formed some part of the human species for dominion, and another for subjection. In the course of his argument, he takes occasion to observe, that there was a natural distinction between females and slaves, although both were inferior to free males. But among the barbarians, he says, that this distinction did not obtain ; female and slave being the same thing among them, for this reason, that Nature had formed none of the barbarians for authority ; their whole society consisting of male and female-slaves. This is widely different from asserting, that the female sex among the barbarians was kept in servitude by the males ; which Aristotle never intended to say. Such assertion indeed would have been inconsistent with the train of his argument. He thought that none of the barbarians were qualified for dominion ; but that, as natural slaves, they were all on a level.

It must doubtless be admitted, that, in a rude and simple state of manners, women have often been employed in offices, which in the progress of refinement may have been denominated servile ;  
but



but this affords no proof that the women of rude ages were condemned to a slavish condition; because the men in such state of manners have frequently been employed in offices equally servile. Thus, in the patriarchal times, although Sarah kneaded the dough, and made the cakes; Abraham had fetched the calf, and afterwards waited at table. Although Rebekah and Rachel watered the cattle; neither Isaac nor Jacob appear to have been deficient in gallantry: the latter continued fourteen years in voluntary service, for the sake of obtaining his favourite bride: and how much soever the change of manners from barbarism to refinement may have contributed to meliorate the condition of women, the condition of men appears to have been improved by that change, at least in an equal proportion.

We know from Plato\*, that in the numerous tribes which inhabited the shores of the Pontus, and were denominated Sauromatæ, the women were exercised in horsemanship, archery, and the use of all military weapons equally with the

\* Ακούων μιν γὰρ δὴ μυθους παλαιους πισπισμαι τα δι νου, ὡς ἱππος ἱππιν οἶδα ὅτι μυριαδες αναριθμητοι γυναικων ἐσι των περι τον Ποντον, ὡς Σαυροματιδας καλουσιν αἱς ουχ ἱππων μονον, αλλα και τοξων και των αλλων ὀπλων κοινωνια και τοις ανδρασιν ἰση προστιταγμνη ἰσως κτεινται. Plat. de Leg. l. vii. p. 890. Ed. Ficini.

men; and that they went forth on hunting-parties, and warlike expeditions. Plato says, indeed, that the Thracians and several other nations of his time, employed their women in the labours of agriculture, and in tending their flocks and cattle; which, in the opinion of the Greeks, were servile offices \*. But if the Thracians, are on this account, to be charged with having kept their women in slavery, the ancient Greeks, although more refined than any contemporary people, will not easily escape a similar imputation. The Grecian women were condemned to a sedentary life, and to the employments of managing the internal household affairs, and manufacturing woollen garments †. They were even confined to a part of the house detached from that of the men. It is true, that their occupations were not so laborious as those of the Thracian women; but they were as unequivocal indications of servitude, considering the state of society, together with the progress which the arts had made in Greece.

\* Θρακίς ταις γυναίξι χρωται, και πολλὰ ἱερά γινη, γιργειν τε και Βουκολειν και ποιμαινιν μηδεν διαφοροῦτας των δουλων. Ibid. pag. 891.

† Νυν γαρ δὴ τοι παρ ἡμιν ὡδὲ ἐστὶ περὶ τούτων γιγνομενον, εἰς τιαν μιαν οἰκησιν ζυμφορησαντες παντα χρηματα, παρδομεν ταις γυναίξι διαταμιευειν τε και κερκιδων αρχειν και πασης ταλαστας. Ibid.

Accordingly,

Accordingly, Plato, the most refined of the Grecian philosophers, comprizes the duties of a virtuous wife, in the due management and care of her household affairs, and in obedience to her husband †. The Spartan ladies indeed formed an exception to this description of the general condition of the Grecian women § : they were not permitted to lead sedentary lives. Lycurgus thought that the manufacture of garments might be left to slaves; but that free women ought to be trained with a view to the more important purpose of bearing children. Accordingly, the Spartan females, from their infancy, were exercised, equally with the males, in running and wrestling, and other exercises of strength and agility; and public games were celebrated, at which the women contended with each other for superiority in performing those exercises. The intention was to harden

† Γραικός ἀρετὴν οὐ χαλεπὸν διελθεῖν, ὅτι δαὶ αὐτὴν τὴν οἰκίαν εὖ οἰκεῖν, σφραῖσσαι τε τὰ ἐνδόν, καὶ κατηκόον τοῦ ἀνδρός. Plat. Meno. pag. 409.

§ Ὁ δὲ Λυκούργος ἐσθλὰς μὲν καὶ δούλας παρεχέειν ἱκανὰς ἡγάγετο εἶναι, ταῖς δ' ἐλευθεραῖς μεγίστον νόμισας εἶναι τεκνοποιᾶν, πρῶτον σωμαστικὴν ἐταξεν οὐδὲν ἥττω τοῦ θηλυ τοῦ ἀρρενὸς φύλου, ἐπειτα δὲ δρομέου καὶ ἰσχυροῦ, ὥσπερ καὶ τοῖς ἀνδράσι, οὕτω καὶ θηλείαις ἀγῶνας πρὸς ἀλλήλας ἐποίησεν. Zenoph. de Rep. Laced. pag. 675.

and

and invigorate their constitutions, and thereby to qualify them for becoming the mothers of strong, vigorous, and healthy children. Yet the Spartan ladies were excluded from the deliberations of the public assemblies, and even from the public tables at which the men always dined; although the privilege of admission to both was the great characteristic of Spartan freedom. Lycurgus has been blamed for not subjecting the Spartan women to the same rigid discipline which he had instituted for the men: it has also been said, that he made the attempt, but found it impracticable. However this may be, it is evident, that the licentiousness, for which the Spartan women were so remarkable, may be justly attributed to the want of occupation, which was entailed upon them by the institutions of Lycurgus. They were not permitted, like the women of the Sauromatæ, to go on military expeditions, and to partake with the men, in the dangers and glories of warfare: nor could they, like the Thracian women, bestow their attention on the labours of agriculture; or on the feeding of flocks and cattle. They were not allowed, like the women of other Grecian states, to follow the more sedentary employments of the distaff or the loom;

nor

nor were they admitted to the public assemblies, or tables of the men. Much of their time must therefore have been spent in idleness, which would naturally be followed by its usual attendant, profligacy. Some of the institutions of Lycurgus were also peculiarly unfavourable to modesty, the great guardian of female virtue.

If then we allow our opinion, on this subject, to be guided by facts instead of theory; the instances, which have been specified, appear sufficient to convince us, that in estimating the relative conditions of the sexes, at different periods of the progress of manners and refinement, it is not always just to infer the slavery of women at some periods, from the circumstance of occupations having been allotted them, which at other periods may be reckoned servile.

## SECT.



## S E C T II.

*Instances of supreme political authority possessed by females in some of the rudest nations: in America, in Germany chiefly from Dr. Stuart: in Britain, in Asia, and other countries.*

THUS the theory, which allots slavery to women in rude ages, is supported chiefly by fallacious arguments. But if we appeal to history instead of speculation, we shall find the theory expressly contradicted, and therefore overturned by numerous well-attested instances of females having possessed supreme political authority in some of the rudest nations †.

In America, the usual order of hereditary succession ran not in the male, but in the female line: an institution which seems inconsistent with the alleged slavery of the females: accordingly, we find that among the Natches in particular, the ladies of the sovereign family were of the highest political importance, both with respect to influence and dignity: they were dis-

† See Alexander's History of Women.

tinguished

tinguished by the title of Female Suns, as the men were denominated Male Suns \*: yet with this difference, that in the male line, the dignity was gradually lost; but was revived, or rather conferred by the females. So early as the Spanish conquest of Florida, Soto found some American tribes under female government; and Squah sachems are mentioned by other writers. Lafitau dignifies with the title of Gynecocracy, the authority exercised by female councils in some American tribes.

The late Dr. Gilbert Stuart, in his View of Society in Europe, has reasoned, at considerable length, in opposition to the theory of the slavery of women in rude ages: and although some of his collateral arguments may be thought controvertible, he must be allowed to have fully succeeded in establishing the high political importance of females in ancient times; but especially among the Germans. The sequel of this section contains but few observations, in addition to a selection made from Dr. Stuart's reasoning on this subject.

\* This distinction runs better in French than in English.  
*Soleils et Soleilles.*

We learn, both from Cæsar and Tacitus, that the women, among the Germans, had the principal management of the art and mysteries of divination; and from thence, considering the superstition of that people, the women must have possessed a considerable share in the direction of public affairs, both in peace and war. A German army could not join in battle with an enemy, till the women had ascertained the auspicious time for engaging\*. It is probable, that those fatidical women belonged to the sacerdotal order. We learn from Tacitus, that the Germans, from ancient times, were accustomed to regard those women with peculiar veneration, to raise them to political authority, and to hold some of them in the rank of goddesses. This was the case, in particular, with Velleda, in the beginning of the reign of Vespasian. This young lady had foretold success to the German arms, and destruction to some Roman legions; and her prediction was verified by the event.

\* Quod apud Germanos ea consuetudo esset, ut matres-familie eorum, sortibus et vaticinationibus declararent, utrum prælium committi ex usu esset, nec ne; eas ita dicere, non esse fas Germanis superare, si ante novam Lunam prælio commisissent. Cæs. de Bell. Gall. l. 1. c. 50.

It

It seems to have been partly on this account, that the German tribes raised her to sovereignty, and that she acquired extensive dominion †. Her authority and power, with the state and splendor of her mode of living, appear to have corresponded to the extent of her government. Ambassadors sent to her were not admitted to her presence; but her answers were communicated to them through an interpreter, like the oracular responses of the gods ‡. In the distribution of the Roman prisoners among all the confederated German tribes, the commander of the legion was allotted to Velleda as her captive; and when the Germans had captured some Roman ships, the Pretorian Galley was her prize §.

† Legatus legionis inter dona missus Velledæ. Ea virgo, nationis Bructeræ, late imperitabat; vetere apud Germanos more, quo plerasque fœminarum fatidicas, et augeſcente ſuperſtitione, arbitrentur Deas. Tuncque Velledæ auctoritas adolevit; nam prosperas Germanis res et excidium legionum prædixerat. Tacit. Hiſt. l. iv. c. 61.

‡ Sed coram adire, alloquique Velledam, negatum: arcebantur aspectu, quo venerationis plus ineſſet; ipſa edita in turre, delectus e propinquis, conſulta reſponſaque; ut internuntius numinis portabat. Ibid. c. 65.

§ Multa luce reſecti hoſtes, captivis navibus, prætoriam Triremem, flumine Luppia, donum Velledæ traxere. Tacit. Hiſtor. l. v. c. 22.

Tacitus informs us, that this lady's possession of sovereign authority was by no means a singular instance. Many other German women had been objects of a similar veneration; not from adulation, the motive which had induced the Romans to elevate some of their worst emperors to the rank of gods, but from the conviction and belief of the people; for he says, the Germans believed there was something sacred, sagacious, and prescient in the female character; whence they listened to the counsels of women with attention and respect ||.

We find the fatidical women acting a conspicuous part, in the expedition of the Cimbri and Teutones: which was the earliest intercourse between the Romans and Germans celebrated in history.

It is well known, that a belief in the supernatural powers and influence of women, con-

|| Inesse quinetiam sanctum aliquid, et providum putant; nec aut consilia earum aspernantur, aut responsa negligunt. Vidimus sub divo Vespasiano Velledam, diu apud plerisque numinis loco habitam; sed et olim Auriniam et complures alias venerati sunt; non adulatione, nec tanquam facerent Deas. Tacit. de Mor. Germ. c. 8.

tinued



tinued to prevail in the northern nations of Europe, long after their conversion to Christianity : but the females, who were supposed to possess them, instead of being exalted to the rank of sovereigns, or revered as goddesses, were at last degraded to the character of witches. They continued long to inspire the same terror ; but it gradually came to be mingled with abhorrence : and in several countries, a belief in the supernatural power of witches is not yet wholly eradicated from the minds of the common people.

The women, both young and old, especially those of high rank, accompanied the Germans to the field of battle ; not only for the purposes of divination, but also to animate the men to deeds of valour, by witnessing their conduct. The Germans found in this circumstance one of the strongest incentives to urge them to acquire the glory of victory, and to avoid the disgrace of a defeat. The wounded were taken care of by their mothers and wives. After a German army had been giving way, the exhortations of the women were known to have turned the fortune of the battle. On such occasions, no argument had a more persuasive in-

fluence over the Germans, than holding out to them a near prospect of the captivity of their women, which they dreaded much more than their own. The children also were brought to the neighbourhood of the field of battle, chiefly perhaps for a like reason: nor could a German tribe give a surer pledge of its faithful observance of a treaty, than the deliivering up of some young ladies of rank as hostages †.

The practice of men in ancient times being accompanied to the field of battle by their wives and children, was by no means peculiar to the rude tribes of Germany. We learn from Xeno-

† Et in proximo pignora, unde fœminarum ululatus audiri, unde vagitus infantium; hi cuique sanctissimi testes, hi maximi laudatores. Ad matres, ad conjuges vulnera ferunt; nec illæ numerare aut exfugere plagas pavent; Cibosque et hortamina pugnantibus gestant. Mœmorizæ proditur, quasdam acies inclinatæ jam et labantes a faminis restitutas, constantia precum, et objectu pectorum, et monstrata cominus captivitate, quam longe impatientius fœminarum suarum nomine timent: adeo ut efficacius obligentur animi civitatum quibus inter obfides puellæ quoque nobiles imperantur. Tacit. de Mor. Germ. c. 7. & 8.

Civilis ——— matrem suam fororesque, simul omnium conjuges parvosque liberos consistere a tergo jubet, hortamenta victoriæ, vel pulsus pudorem. Tacit. Hist. l. 4. c. 18.  
phon,

phon, and other Grecian writers, that this practice obtained in the most refined nations of Asia. After Cæsar's defeat of Ariovistus, a German prince, his two wives perished in the flight; and one of his daughters was slain, and the other taken: in like manner, the mother, wife, and daughters of Darius were taken prisoners by Alexander the Great; as were the wife and daughter of the British king Caractacus, when he was defeated by Ostorius the Roman general †.

Even the dress of the German women, as described by Tacitus, appears unfavourable to the opinion of their being in a slavish condition: it was nearly the same with that of the men, excepting that they wore linen robes, which were sometimes striped with purple \*.

One German tribe, mentioned by Tacitus, was governed by a female chief, who had absolute authority; obtained, as would appear,

† Tacit. Annal. l. xii. c. 35.

\* Non alius fœminis quam viris habitus; nisi quod fœminæ sæpius lineis amictibus velantur; eosque purpura variant. Tacit. de Morib. Germ. c. 17.

neither by usurpation, nor by superior skill in divination, but by order of succession. But Tacitus reprobates the submission of any tribe to such government, as a degeneracy even from common servitude †. Thus the polished Roman historian thought, that subjection to female government was disgraceful and degrading; while the rude and savage German implicitly submitted to the arbitrary government of a female chief, because it was hereditary. In like manner also the Athenians, the most refined people of ancient Greece, thought they suffered ignominy, because a lady ‡, although a queen, had come to fight against them, as an auxiliary in the Persian army under Xerxes; and they accordingly offered a reward of ten thousand drachms for the capture of her person. But the savage Sauromatæ were not ashamed to avail themselves of the assistance of their female warriors.

In like manner, as among the Germans, we sometimes find women in possession of supreme

† Suionibus Sitonum gentes continuantur: cætera similes, uno differunt, quod femina dominatur; in tantum non modo a libertate, sed etiam a servitute degenerant. Tacit. de Mor. Germ. c. 45.

‡ Artemisia. See Herodotus, l. viii.

political authority among the ancient Britons. Queen Boadicea, according to Tacitus, appealed to her subjects, for the ancient prevalence among them of the custom of going to war under female direction: but in the war then proposed to be waged against the Romans, this princess did not claim the chief command, merely on the ground of ancient usage, and the rights of her family; she addressed them, she said, as one of the common throng; one, however, who was eager to revenge the cruel injuries which she had recently sustained\*. Tacitus represents also Cartimandua, queen of the Brigantes, as possessed of considerable power and influence, which chiefly rested on the nobility of her descent: as if this historian had been describing modern times, he says, that with regard to supreme political authority, the Britons made no distinction between the sexes†.

Arrian;

\* Boadicea——solitum quidem Britannis feminarum ductu bellare testabatur; sed tunc, non ut tantis majoribus ortam, regnum et opes; verum ut unam e vulgo, libertatem amissam, confectum verberibus corpus, contrectatam filiarum pudicitiam ulfisci. Tacit. Annal. I. xiv. c. 35.

† Ea discordia, et crebris belli rumoribus, Britann; sustulere animos, auctore Venuſio; qui, super inſitam



Arrian, in relating that Ada the sister, widow, and successor of the king or rather viceroy of Caria, was continued in the government of that province by Alexander the Great, remarks, that the practice of civil government being exercised by females, had prevailed in Asia, downwards from the days of Semiramis †. The exploits atchieved by Tamyris, queen of the Massagetæ, a Scythian nation, have been celebrated by ancient historians. Laffau, in his comparison of

ferociam, et Romani nominis odium, propriis in Cartismanduam reginam stimulis accendebatur. Cartismandua Brigantibus imperitabat, pollens nobilitate; et auxerat potentiam, postquam, capto per dolum rege Caractaco, instruxisse triumphum Claudii Cæsaris videbatur. Inde opes et rerum secundarum luxus. Spreto Venusio (is fuit maritus) armigerum ejus Vellocatum in matrimonium regnumque accepit. Concussa statim flagitio domus: pro marito, studia civitatis; pro adultero, libido reginæ et sævitia. Igitur Venusius accitis auxiliis, simul ipsorum Brigantum defectione, in extremum discrimen Cartismanduam adduxit. Tum petita a Romanis præfidia; et cohortes alæque nostræ, variis præliis, exemere tamen periculis reginam; regnum Venusio, nobis bellum relictum. Tacit. Histor. l. iii. c. 45.

Boadicea generis regii fœmina duce, (neque enim sexum in imperiis discernunt) sumpserunt universi bullum. Tacit. de Vita Agric. c. 16.

† Arrian. Exped. l. i. pag. 24. A. Ed. Stephani.

the

the Gynecocracy \* of the American Indians with that of the rude nations of antiquity, quotes the poet Claudian asserting the general prevalence of this practice among the barbarians, although the Romans thought it degrading to the male character:

Medes and Sabians scepter'd queens obey;  
And savage tribes submit to female sway †.

The condition of the women in Otaheite also appears to be not altogether conformable to the modern theory.

Thus widely different do we often find the facts of history, and the real state of civil society from the systems laid down in speculative theories.

\* *Γυναικονομία.*

† Medis, lavibusque Sabæis  
Imperat hic sexus, reginarumque sub armis  
Barbariæ pars magna jacet.

Claud. in Eutrop. l. 1.

## APPENDIX,

## No. IV.

THE ZEAL OF ALEXANDER THE GREAT  
TO PASS FOR THE SON OF JUPITER,  
ILLUSTRATED.\*

## S E C T. I.

*The Macedonian kings believed by their subjects to be of divine origin. Olympias also, the mother of Alexander, believed to be of heavenly descent. Alexander claimed still a nearer relation to the gods, chiefly with a view to promote the purposes of his ambition. His dexterous interpretation of an expression of the Pythonefs. To the belief of his divine extraction, he endeavoured to attach an opinion of his invincibility.*

THE royal family of Macedonia was believed to have sprung from Hercules, the most

\* See page 126.

celebrated hero of the fabulous ages, and the object of universal adoration in ancient times. This superstitious belief was probably the motive, which chiefly influenced the conduct of the Macedonians, in an instance related by Justin to have passed, some generations before the reign of Alexander. Their king was an infant, yet they placed him in his cradle in the rear of their army, from a persuasion that his presence was auspicious, and that his absence had been the cause of a former defeat †. Olympias, the mother of Alexander the Great, was also reputed to be descended from another mythological hero Achilles, the son of a goddess, and, by his father's side, a descendant of Jupiter ‡.

But Alexander was not satisfied with so distant a claim: he took all possible pains to establish

† Igitur Illyrii, infantiam regis pupilli contemnentes, bello Macedones aggrediuntur; qui prælio pulsi, rege suo in cunis prolato, et pone aciem posito, acrius certamen repetivere: tanquam ideo victi fuissent antea, quod bellantibus sibi regis sui auspicia defuissent. Just. l. vii. c. 2.

‡ Circa quod tempus, Caranus, vir generis regii, sextus decimus ab Hercule, profectus Argis, regnum Macedoniæ occupavit; a quo magnus Alexander, cum fuerit septimus decimus, jure materni generis Achille auctore, paterni Hercule gloriatus est. Vel. Patersculus, l. i. c. 6.

into firm belief the report that he was himself the son of Jupiter Ammon. This, according to Plutarch, excited the celebrated railery ascribed to his mother Olympias, who is said to have beseeched Alexander not to involve her in a quarrel with Juno. It is more than probable that Alexander endeavoured to propagate this opinion, not merely for the gratification of vanity, but chiefly that it might serve as a political engine to facilitate his conquests, and as the foundation of a right of extensive dominion. Who could expect to oppose a successful resister to the son of Jupiter? Who could presume to disclaim submission to his government, or refuse to yield implicit obedience to his orders?

For this account of Alexander's conduct, we have the authority of Plutarch, who thinks it evident that this conqueror assumed the character of divinity neither from a belief of its reality, nor from any vainglorious motive, but solely for the purpose of subjecting others to his sway †. Arrian does not expressly assign this

‡ Plutarch. de Vita Alexandri. Aulus Gellius Noctes Atticæ l. xiii. c. 4.

† Plutarch. de Vita Alexandri. motive



motive to Alexander; but seems indirectly to acknowledge it, by apologizing for it. Although he be perhaps the most judicious as well as the most accurate of Alexander's historians †, he appears ever anxious to extenuate his faults, and to justify, if not to extol his actions. Although he wrote in the second century, he expresses himself as seriously inclined to believe, that some portion of divinity must have resided in his favourite hero, which had enabled him to surpass all other human beings. He says, the grounds on which he had formed this opinion, had been corroborated by oracles, which were said to have made declarations respecting the divinity of Alexander about the time of his death; also by various dreams and apparitions. He finds an additional argument in the renown of Alexander, and the honours conferred on his memory. He says that, even in his time, oracles were still reminding the Macedonians of the honours which were due to him. For all these reasons, this historian says he was not ashamed to profess his admiration of Alexander; although he had blamed some of his actions, partly from regard to truth, and partly from a

† See Sir Richard Clayton's *Critical Enquiry into the Life of Alexander the Great.*

desire  
aid

desire to promote the benefit of mankind, the motives which had induced him to undertake to write his history, observing at the same time, that to this undertaking he had also the approbation of the gods. We need not wonder, that Arrian, impressed with these sentiments, instead of ascribing Alexander's conduct to the same motive with Plutarch, discovers an anxiety to apologize for it. He thinks there was nothing highly immoral in his endeavours to establish a belief of his divine origin, even if it had been a fiction. He thinks the design was fully justified by the object of procuring the greater respect from his subjects. He urges, that Alexander was not a less glorious prince than Minos, Eacus, or Rhamanthus, whom the ancients had believed to be the sons of Jupiter; yet that these and other demi-gods, particularly Theseus the son of Neptune, and Ion the son of Apollo, had suffered no disparagement from their boasting of a heavenly descent †.

In fact, we find Alexander, from the very commencement of his reign, uniformly acting on the design of rendering the prevalent religious opinions of mankind subservient to the purposes of his ambition. His father Philip had set him

† Arriani. Exped. pag. 168. ed. Steph.

this

this example: but it was chiefly in the way of secret management, intrigue, and bribery. Alexander proceeded in a more open manner, and took bolder strides. His reputed descent from Hercules was one of the arguments which he employed to induce the Greeks, especially the Peloponnesians, some of whom were also the reputed descendants of the same fabulous hero, to appoint him Generalissimo of the long projected expedition against the Persian empire. He employed the same argument to influence the submission of some other nations devoted to the worship of Hercules, in the neighbourhood of Macedonia.

To the belief of his divine extraction, Alexander endeavoured to attach an opinion of his invincibility. When he went to consult the oracle at Delphi, the priests declined to interpret the mind of Apollo, till one of the stated sacred days for consultation; and till the performance of the customary rites and sacrifices. But the proposed delay suited neither the affairs nor the temper of Alexander. He employed such earnest importunity, and even violence, that the priests were forced to assent, observing that he was irresistible. Alexander caught the expression, said he was satisfied, receiving it as  
the

the answer of the oracle, and published it to the world, as the declaration of Apollo in his favour †. Thence the obstinate resistance of an enemy generally exasperated the resentment of Alexander into rage; for it not only retarded the progress of his conquests, but it appeared to discredit the opinion of his invincibility; and this tended to weaken mens belief of his being the son of Jupiter, which he was eager to establish, as one of the most powerful means of attaining to the gratification of his boundless ambition. The generous sentiment of esteeming an enemy for his gallant resistance, was not indeed well understood in the days of Alexander †. This celebrated hero appears also to have rather inherited his mother's haughtiness and ferocity, than to have possessed much of the milk of human kindness; and his ferocity was considerably heightened, by his being continually engaged in blood and carnage; yet he

† Plutarch.

† Herodotus remarks, that the Persians were more distinguished than any people of his time, for the respect which they paid to the valour of an enemy. He makes this remark, after relating that Xerxes had ordered the head of Leonidas to be cut off and impaled (*ἀνισταυροῦναι*); which the historian thought was not conformable to the usual practice of the Persians. Herodot. l. vii. c. 238.

possessed

possessed such clearness and strength of judgment, with so uncommon a share of magnanimity as well as intrepidity, and his views were so extended, that good policy would have sometimes dictated to him a milder treatment of a resisting enemy, if the resistance had not opposed a favourite passion. Thus the savage cruelty with which he ordered two thousand of the inhabitants of Tyre to be crucified, and all the rest who had escaped the butchery of his soldiers to be sold as slaves, without distinction of age or sex, because that city had sustained a siege of seven months, ought not to be placed to the account of cruelty alone. The same may be said of the still more brutal rage, which he shewed in the punishment of Betis, Governor of Gaza †. This officer, from a principle of fidelity to his master Darius, had made a gallant defence; but knowing probably that Alexander would not spare his life, he disdained when taken prisoner to make humiliating answers, or to fall prostrate on his knees to sup-

† To clear the reputation of Alexander from this stain, the historical veracity of Quintus Curtius, who alone relates this instance of his conduct, has been called in question. But this is to vilify the character of an historian, on too slight grounds.



plicate mercy from the conqueror. This conduct provoked Alexander's resentment against him to a degree of fury. He ordered thongs to be passed through the heels of the unfortunate prisoner, and dragged him alive after his chariot; declaring that he would overcome his obstinacy, and boasting afterwards that he had followed the example of his ancestor Achilles. Several other instances to the same purpose might be adduced from the historians of Alexander's Life.

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## SECT. II.

*Alexander declared to be the son of Jupiter by the Lybian Oracle—Alexander's expectations from this declaration not extravagant, considering the religious opinions of the age in which he lived—a general belief of his divine extraction. Philotas, Calisthenes, Eumenes.*

**BUT** the grand proof to which Alexander trusted for fully establishing a belief in his relation to Jupiter, was the answer to be delivered by

by the oracle of his pretended father. In order to obtain it, he visited the temple of Jupiter Ammon in the desert of Lybia, ordering a part of his army to accompany him on the expedition. This was probably intended for the double purpose of overawing the African priests, if they should prove deaf to other considerations; and of having numbers to bear evidence of the declarations which were to be given concerning his divine origin. Justin expressly asserts, that the priests were previously instructed respecting the answers which they must give †. Arrian talks at considerable length concerning Alexander's intention of claiming to be acknowledged as the son of Jupiter, after the example of his ancestors Hercules and Perseus; as well as concerning the eagerness with which he pursued his expedition to Lybia; but although he particularly describes the progress of his march, he skips over the conference with the African priests, as if ashamed of the business. He only says that, "Alexander having consulted the oracle, and having received answers, which he said were satisfactory to him, returned to

† Justin, xi. c. 11.

“Egypt †.” But Diodorus Siculus gives a particular relation of the conference. When the oracle of Jupiter Ammon was to be consulted, the image of the god, adorned with precious stones, was carried in procession in a golden ship, which was borne on the shoulders of eighty priests, and followed by a train of matrons and virgins singing hymns to the praise of their god. They went by no stated path; but whithersoever they were directed by the nod of the image; which would seem to be in imitation of the uncertain course of a ship. After the procession had returned to the temple, and Alexander was introduced to the shrine; as soon as he perceived the god, the eldest prophesying priest addressed him thus: “Hail son;” “receive this appellation from the god.” Alexander addressing himself to the deity, answered; “I receive it, O father, and henceforth I shall be called thine; but thou wilt grant me the dominion of the whole earth.” The priest from the sanctuary informed him that the god had assuredly granted his request ‡. Alexander next enquired of the oracle, whether he had punished all the accomplices of his fa-

† Arrian. Exped. l. iii. pag. 53, 54. Ed. Steph.

‡ Diodorus Siculus, l. xvii. pag. 589. Ed. Rudomanni.

ther's murder? Alexander had had a violent quarrel with Philip, some time before the death of the latter; and had fled from Macedonia for safety. On this account he was extremely anxious to wipe off from himself all suspicion of having been accessary, or privy to the murder. He carried this anxiety so far as to charge Darius with having been one of the instigators of Pausanias, who had assassinated Philip; and to urge, that his desire of punishing the Persian monarch for that injury and crime, formed one of his motives for undertaking the war against Persia. The African priests appear to have fully comprehended his meaning. They chid him for calling Philip his father; they reminded him, that his father was far beyond the reach of mortal attempts; but told him, that all the murderers of Philip had suffered punishment. They concluded by assuring him, that the greatness of his exploits would bear sufficient evidence of his being the son of their god; after which, Alexander gave magnificent offerings to the god, and presents to the priests †.

Plutarch's account of Alexander's conference with the Lybian priests, coincides pretty

† Ibid.

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nearly

nearly with that of Diodorus Siculus; and he says, that it was the same with that which had been given by most of the historians who had written on the subject. Plutarch adds, that Alexander, after his conference with the priests, wrote to his mother, acquainting her, that he had received some secret answers from the oracle, which on his return to Macedonia, he would communicate to her alone.

Quintus Curtius relates an additional circumstance, namely, that after Alexander's enquiries had been satisfactorily answered, and the priests rewarded; he gave permission to his officers to consult the oracle. But as none of them had come prepared with a premeditated subject, the chief enquiry made by most of them was, Whether it was the pleasure of the gods, that divine honours should be paid to their monarch, since he was declared to be the son of Jupiter? The priests, as we may suppose, answered in the affirmative.

The following additional circumstances, relative to this conference, are reported by Strabo, from the historians of Alexander, namely, that the king alone was permitted by the priest to  
enter



enter the temple in his customary dress, but that all the rest were obliged to change their garments, and to hear the oracle without, while Alexander alone remained within †.

If we were to estimate this part of Alexander's conduct by the standard of modern opinion, it would doubtless appear to be the height of extravagance and madness, rather than the result of manly reason and cool reflection. But to enable us to judge fairly, we must suppose ourselves living in the age of Alexander, when it was believed that Heaven was inhabited by a multitude of gods, most of whom had either been men, or had passed a portion of their time on earth. Nay, almost all the states of Greece, and its neighbourhood, were believed to have been founded by the spurious progeny of gods or goddesses; or afterwards governed by their descendants. Such were reckoned Theseus, Cadmus, Eacus, Hercules, Esculapius, and many others. Some of these were in the number of the gods adored by the Greeks of that age. The deification of heroes, and the descent of men from the gods, formed articles in the religious creeds of other

† Strabo, l. xvii. c. 12.

nations, as well as those of Greece; and were firmly believed by the bulk of the people †. It seems to have been only a few of the philosophers who doubted concerning some of the exploits and adventures ascribed, in the fables of the poets, to some deified heroes. Amidst the prevalence of such opinions, therefore, Alexander's expectation to be acknowledged as the son of Jupiter, cannot justly be deemed extravagant. It was entirely conformable to the religious system universally received in his time, although few had the boldness of spirit, like Alexander, to avail themselves of the popular tenets, in so forward a manner. He probably applied to the Lybian oracle, preferably to any other, partly on account of its great fame; but chiefly on account of its distance from Greece, which rendered much enquiry from that quarter difficult. Plutarch informs us, that although

† Jam vero in Græcia, multos habent ex hominibus deos: Alabandum Alabandi; Tenedi Tenem: Leucotheam, quæ fuit Ino, et ejus Palæmonem filium, cuncta Græcia; Herculem, Esculapium, Tyndaridas, Romulum, nostri; aliosque complures, quos quasi novos et adscriptitios cives in cælum receptos putant. Hæc igitur indocti. Cic. de Nat. Deor. l. iii. c. 15. The belief was general in the age of Alexander; but in that of Cicero, the learned had begun to doubt.

Alexander,

Alexander, in his intercourse with the barbarians, fully maintained the dignity which became a son of Jupiter; yet, towards the Greeks, he assumed the character of divinity with rather more reserve and moderation; but without disclaiming his divine relation †. On the contrary, in writing to the Athenians, he tells them, that they ought not to regard the freedom of their city as a gift from him, since it had been already granted them by him who was then called his sovereign and his father, meaning Philip. At another time, having been wounded by an arrow, and suffering much pain, he said to those about him; “This, my friends, “is human blood, and not such as is said to “flow from the gods ‡.” It would appear that the army of Alexander acknowledged his relation to Jupiter. We are informed, that his general Parmenio, ordered all the temples, built in honour of Jason, to be demolished; that no name might be the object of greater veneration in the east than that of Alexander §. The Macedonians murmured indeed at the new homage which their monarch required: but their dis-

† Plut. de Vita Alexandri. ‡ Ibid.

§ Justin, l. xlii. c. 3.

content does not appear to have proceeded from any disbelief of the declaration of the Lybian oracle; but from the preference, which Alexander appeared to give to Persian rather than to Macedonian manners and customs. The Persians looked up to their monarchs with religious awe, and approached them with a kind of adoration, prostrating themselves in their presence †. They believed them to be the descendants of the sun; and this circumstance doubtless furnished an additional spur to Alexander's desire of passing for the son of Jupiter, or perhaps was his principal motive, that he might be held in no degree inferior to the ancient monarchs of Persia. When Alexander began to receive those to whom he gave audience in a worshipping posture, after the Persian manner, and to allow them to remain prostrate during the conference, the Macedonians were much displeased with this change of custom. As they were conquerors, they thought that the vanquished Persians, ought to submit to their laws, and learn their manners, rather than that they, or their monarch, should adopt those of Persia.

† Necessè est enim, si in conspectum veneris, venerari te regem, quod illi προσκύνειν vocant. Corn. Nep. Con, c. 111.

Prostration

Prostration in particular was so repugnant to the notions of Grecian freemen, that the Athenians put Timagoras to death for having, as they thought, disgraced his country by prostrating himself before Darius, in saluting that monarch according to the Persian custom †.

A general belief in the declaration of the Lybian oracle, respecting the divinity of Alexander, appears to have prevailed in the eastern nations. When he was entering Babylon, we are told that the inhabitants placed a number of silver altars, with incense burning on them, at certain distances, along the road by which he was to pass. Several other instances of the devotion paid him in the east are recorded by historians. The opinion of his divinity is said to have been so well established, that several of the nations he had conquered disbelieved the first accounts of his death. They thought he was immortal, as they had found him invincible ‡.

† Valerius Maximus, l. vi. c. 3. extern. 2.

‡ Justin, l. xiii. c. 1.

Alexander,



○ Alexander, on the other hand, not only received all the homage that was paid him, but, by every method in his power, endeavoured to confirm the general belief in his divine descent; particularly by the brilliancy of his exploits, by the rapidity and extent of his conquests, and by the uniform success of all his enterprizes. He never failed to inflict his severest vengeance on those who expressed any doubt respecting his relation to Jupiter. Of this we have a striking instance in the case of Philotas, the son of Parmenio. Alexander wrote to him on the footing of intimacy and friendship, informing him of the declaration of the oracle. Philotas, in a confidential answer, had the imprudence to make some pointed observations on the subject, which Alexander never forgave. Yet he stifled his resentment till he found an opportunity of charging Philotas with the knowledge and concealment of a plot against his life. Then Alexander urged an expression in the letter, although written seven years before, as a proof and aggravation of his guilt. Philotas was put to the torture, under which he confessed a plot which perhaps had never been formed. His observation on the subject  
of

of Alexander's divinity, was probably his principal crime. Plutarch relates, that a captive lady, retained by Philotas, had been employed by Alexander as a spy on his conduct.

It was chiefly by sarcastic reflections, alluding to his divine pretensions, that Alexander appears to have been provoked to the murder of his friend Clitus: he would have borne any other freedom as an entertainment.

By a liberty of the same nature, the philosopher Calisthenes lost not only the favour of Alexander, but his life. He was the kinsman of Aristotle, and had been his disciple, and the fellow-student of Alexander; who invited him to accompany him on his Asiatic expedition, to be the witness and the recorder of his exploits. But he appears to have possessed more science and philosophy, than discretion and prudence. Instead of practising the caution and address recommended to him by his friend Aristotle †, namely, to talk to Alexander as seldom as possible; but when he spoke to him, to say nothing to

† *Monuit ut cum eo aut rarissime, aut quam jucundissime loqueretur.* Val. Max. l. vii. c. 2. sect. 8. extern.

displease

displease him; he had the indiscretion or the honesty to argue publicly against a proposal made in the Macedonian army, to bestow divine honours on Alexander during his life. This proposal had probably been made by the private direction of Alexander himself; but the forcible reasoning of Calisthenes procured its rejection. Yet the arguments of this philosopher, which are related at large by the historians, especially by Arrian, were perfectly conformable to the Grecian theology, and were doubtless his real sentiments. He expressed no doubt of the descent of men from the gods; nor of the deification of heroes; nor of Alexander being the son of Jupiter, as declared by the Lybian oracle. He only contended, that the honours of immortality had been usually conferred on heroes, not during their continuance on earth, nor by their contemporaries, but by posterity. Alexander could not forgive him: on pretence that a plot, which was said to have been formed against his life, had been instigated or encouraged by the reasoning of Calisthenes; he ordered him, according to some accounts, to be mangled in the cruelest manner, and afterwards tortured to death. Other accounts mention only, that he died in chains; but all agree that his freedom  
of

of speech, on the subject of the Macedonians paying divine honours to Alexander, during his continuance on earth, cost him his life †.

Alexander ordered divine honours to be rendered to his friend Hephestian, for whose death he was inconsolable; the Lybian oracle, which he consulted on the occasion, having, to his great joy, consented, that sacrifices should be offered to that deceased general as a hero †; and he ordered his own body to be buried in the temple of Jupiter Ammon \*. Had Alexander's progeny continued in possession of his throne, it is probable that he would have been enrolled in the number of the gods, and his worship established throughout the extent of his

† Justin, l. xii. c. 6, 7. l. xv. c. 3. Valerius Maximus, l. vii. c. 2. sect. 8. extern.

Valerius Maximus extols the wisdom of a saying which Demades, an Athenian, addressed to his countrymen, on occasion of their refusal to decree divine honours to Alexander. "Take care," said Demades, "while you are guarding the entrance into heaven, that you do not lose your share of the earth." Val. Max. l. vii. c. 2. sect. 10. extern.

† Justin, l. xii. c. 1. Arrian, Exped. l. vii. pag. 160.

\* Justin, l. xii. c. 15.

dominions;

dominions; but this was prevented by the entire destruction of his family, and the dismemberment of his empire. Eumenes, one of Alexander's captains, who appears to have been as able a politician as he was a gallant commander, found no method more effectual for keeping an army of Macedonians together, than the erecting of a shrine for the regular worship of Alexander in his camp\*.

\* Diodorus Siculus, l. xviii. pag. 660.



## APPENDIX,

### No. V.

#### SECT. I.

*Plato's two different classifications of forms of government. Socrates's division of forms of government, as reported by Xenophon †.*

PLATO, in his Dialogue Politicus, not only divides civil governments into those of one, of a few, and of the many; but distinguishes them farther as they are held with consent of the community, or by force; by the rich, or by the poor; or conducted according to laws, or without laws. Agreeably to these distinctions, he subdivides each of the three general divisions, already mentioned, into two branches. Thus he subdivides monarchy into the two branches of the government of a king, and that of a tyrant. He subdivides the go-

• See note, page 269.

vernment of a few into aristocracy and oligarchy. He says the government of the many consisted also of two branches, but without separate names, both retaining the common name of Democracy. He thus makes the several kinds of civil government to be six in number, with only five names. Distinct from these six, he says, there is a seventh kind, which, in pre-eminence, he calls the right government, and by which, doubtless, he meant his own idea of a perfect republic †.

Plato, in his Dialogue Amatores, introduces Socrates asking, whether a single ruler, by whom the public affairs of a state were properly administered, was not denominated βασιλεύς and τυραννός; as if these appellations had been so far synonymous, that either of them might be employed to denote a person at the head of a well conducted government ‡. But from a passage in one of Plato's letters to the tyrant Dionysius,

† Ταύτας τοὺς διχα τιμωμένους μίαν ἑκάστην, ἐξ ποίωμι, τὴν ὁρθὴν χωρὶς ἀποκρίναντες τοῦτω ἰσθόμεν. Plat. Politic. pag. 537, ed. Ficini.

‡ Ὅταν εἰς αὐτῆς ἀρετῆς πόλιν διοίκη, ὀνομαζομένη τοῦτω οὐ τυραννός τε καὶ βασιλεύς; Plat. Amatores, pag. 100.

it would appear to be well understood, that the difference between the Greek terms which we translate *king* and *tyrant*, consisted in the different conduct of monarchs; for it seems to have been optional with Dionysius, according to Plato, whether he would be king or tyrant of Syracuse. "Traduce me not," said the philosopher to the monarch, "by alleging that  
" it was I who prevented you from re-establish-  
" ing the Grecian cities which the barbarians  
" had ruined, or from alleviating the burthens  
" of the Syracusans, by substituting a regal go-  
" vernment in place of the tyranny †."

In Plato's Dialogue Politicus, which treats professedly of this subject; tyranny is characterized as a government of force; and regal government is denominated voluntary; as if the difference between them consisted in the consent or non-consent of the community; but in the progress of the dialogue, this distinction seems to be departed from. A right government is explained to be that which is conducted with true political knowledge, whether with, or without the consent of the governed; or with,

† Plat. Epist. iii. ad Dionysium, pag. 1274.

or without laws. It is stated, that this knowledge cannot be possessed by the multitude; and that in a state, which should consist of a thousand men, not even an hundred can be supposed qualified for the exercise of public authority. A conclusion is thence drawn, that good government can only be expected under one, two, or a few. It is also stated, that the best substitution for true political knowledge in the rulers of the state, or the best imitation of it, is to be found in the existence and maintenance of good laws and customs. Agreeably to this explanation, a king is defined to be a single political ruler, who either understands the true science of government, and governs conformably to this true knowledge which he possesses; or who governs according to the laws: and a tyrant is defined to be a single ruler, who violates the laws and customs through ill-governed affections, as well as ignorance; yet pretends that the measures of his administration are more salutary than those enjoined by the laws; as if he possessed the true science of government, of which, notwithstanding, he is ignorant.

In

In like manner he proceeds to distinguish aristocracy from oligarchy. As the true political science cannot be possessed by the whole body even of the rich; they will approach nearest to the practice of the true art of government, by adhering to the laws and customs of their country: accordingly, when the rich, who are commonly the few, bear rule, their government is termed an Aristocracy, if they observe the laws; and Oligarchy, if they disregard them.

The two branches of democracy, Plato distinguishes in a similar manner.

Of these six divisions, monarchy, when combined with good laws, he considers as the best; but the most oppressive, when lawless. He asserts democracy to be uniformly feeble; and the government of a few, to constitute the medium between those two extremes. Democracy he pronounces to be the worst of the legitimate forms; but the least imperfect of the lawless. He concludes, on the whole, that legitimate monarchy is the happiest government, excepting the seventh sort, which he says, must be distinguished from all others,



as God is from the human race †. This happy form admitted of no branches.

Such is, in substance, the classification of forms of government, laid down in Plato's Dialogue Politicus. The differences between the subdivisions of the primary, or general forms, are made to consist in the characters of those who govern, more than in any difference of what we should call political constitution.

But in Plato's Dialogues de Republica, forms of government are classed in a manner considerably different from the preceding. The divisions are only five in number, and are still more loosely defined than the subdivisions already specified. But, much in Plato's usual manner, the descriptions given of them are beautifully illustrated, by comparison, with corresponding individual characters ‡. It seems pretty evident, for a reason which shall be mentioned afterwards, that the classification in the Dialogue Politicus was in substance, that which Socrates

† Πολυ πρῶτον τε καὶ ἀρίστον, πλὴν τῆς ἑβδόμης. πᾶσιν γὰρ ἐκείνῃ γε ἔγκριται, εἰς θεοῖς ἀνθρώπων, καὶ τῶν ἄλλων πολιτείων.  
Plat. Politicus, pag. 558.

‡ Plat. de Republica, l. viii. & ix. passim.

had taught: but Plato's classification in his *Dialogues de Republica* was probably his own: he discovers a paternal fondness for it; and has adorned it with the charms of language, and all the art of elaborate composition.

He first delineates a human character of consummate virtue, consisting in the perfection of prudence, justice, temperance, and fortitude; these being the four cardinal branches of duty, the practice of which, according to many ancient philosophers, would render a character completely virtuous. To a man of such character, Plato makes his idea of a perfect government to correspond. It would be foreign from our present purpose to enter into the detail of Plato's constitution of a perfect republic: suffice it therefore to observe, that it was a species of simple aristocracy.

The four remaining general forms of government, Plato considers as corruptions of this primary and perfect form, or deviations from it. The first of the four consists of constitutions similar to those of Crete and Lacedemon. This he regards as the medium between the perfect form, and oligarchy: under it, the military

class of the inhabitants, or the guardians of the state, form a separate cast, as they do in his perfect commonwealth; magistrates and persons in authority are respected; the military cast abstains from husbandry, from the practice of mechanical arts, and from the pursuit of gain; attending wholly to martial and gymnastic exercises. But this form, in its deviations from perfection, partakes of the nature of oligarchy. Fears, arising from jealousy, are entertained about entrusting men of wisdom with the chief authority. The state is perpetually at war; and in conducting it, artifices and stratagems are thought commendable. Persons of the military cast become fond of wealth, and desirous of accumulating private treasures and separate possessions. Thence proceed neglect of the laws, and various other disorders. This form of government resembles an ambitious young man,

The second deviating form, or the next in the progress of corruption, or in distance from the perfect form, is oligarchy. Here the wealthy rule; and the poor have no share in civil government. Magistracies are conferred according to the valuation of mens properties; wealth is progressively prized, in proportion

as

as virtue is disregarded, and virtuous men despised. Instead of ambitious men, of whom the state is chiefly composed, under the first deviating form, an oligarchical state consists of avaricious men. The rich are extolled and admired, and engross all offices and dignities: the poor are held in contempt; and excluded from every public honour and emolument. Hence the state is divided into two contending factions; the rich against the poor. The rulers of the state are so much afraid to entrust the people with arms, that they dare not engage in war: instead of which, they exert their efforts to keep the people in subjection, partly by management, and partly by force. In this state of things, the same men engage in more than one occupation; in husbandry, and the arts of gain, as well as in the military profession. He compares this form of government to the ambitious young man turned avaricious. There is an internal contest between the opposite passions of his mind, which resembles that between the contending factions in the state.

The third deviating form in this classification, is democracy. This is a farther corruption of government; naturally arising out of the corruptions

riptions of the form immediately preceding. Here the poor prevail over the rich: they acquire this ascendancy, either by foreign aid; or through the operations of internal dissensions. Some of the rich are put to death; and others banished. Public offices are assigned by lot, that they may be equally accessible to all. Every one pursues the mode of administration, which appears to him most eligible; and men are left at liberty to act as they please. This form of government has a specious and brilliant appearance, like a cloak painted with various colours. It resembles the profligate son of an avaricious father, having no fixed tenor or principle of conduct.

The fourth and last deviating form is tyranny: it is produced by democracy. The people exalt a favourite, and entrust him with authority and power; and even appoint guards for his security: But he abuses this confidence, and becomes a tyrant. At first, indeed, he is courteous and affable, declines the appellation of monarch or single ruler, is liberal of promises, remits debts, distributes lands, especially to his friends, and professes much kindness to all. He contrives to be continually engaged in foreign war, that the



the people may require a leader; and that war may furnish occasion for collecting taxes, in order to impoverish the people; and that all may be thereby reduced to the necessity of bestowing their whole attention on the means of procuring their daily subsistence; and consequently rendered more unable to plot against him. War also furnishes an opportunity of removing persons whom he apprehends to be of a liberal spirit; and, on that account, less inclined to submit to his authority. He exposes such persons to the enemy, and thereby cuts them off, without any apparent blame to himself. He gets rid of all who appear eminent for wisdom, fortitude, magnanimity, or wealth; all, in short, from whom he has any danger to apprehend. He thus purges the state; but not like the physicians: they expel what is noxious; but he expels all that is best and worthiest. Not daring to trust the citizens, he gives liberty to the slaves, arms them, and makes them his friends and confidants. He plunders the wealth deposited for sacred purposes; proceeds next to seize on private property; and, at last, disarms the citizens, putting some of them to death, and banishing others. He resembles an undutiful son, who, after being guilty of much extravagance

extravagance and various enormities, rebels against his father, and proceeds at last to the extreme atrocity of committing parricide.

From the above compressed account of the classification of forms of government laid down in Plato's Dialogues de Republica, we see he founds his political system on an ideal state of political perfection, from which he considers all existing governments to be deviations. Plato has often been blamed for this assumption of an ideal government as the basis of his system; yet the state of nature, abstracted from all civil government, and even from social union, which many modern political writers have assumed as the foundation of their theories, is ideal, or a child of the imagination, as much as Plato's perfect republic. Plato plainly intimates, in the ninth dialogue of the treatise in question, that he did not conceive his plan of perfect government to be actually existing in any country on earth; or even to be practicable; but a mere *ens rationis*, or an ideal model of perfection in civil government. In the same manner a moralist may sketch out the character of a man of perfect virtue, without believing that any man can ever fully attain to the perfection which he has delineated. Plato hints,  
that

that the model of his perfect government probably existed in Heaven, and might be discerned by those who were desirous to contemplate it, and to acquire a correspondent character. He thought it mattered not, whether such government existed, or ever should exist, on earth; if individuals pursued the conduct which it demanded \*.

Plato has a remark in his third dialogue on laws, which seems connected with his classification of forms of government. He says, there are two mother-constitutions, from which all others may be conceived to have sprung: these are monarchy and democracy; and thence he infers, that a well regulated government must partake of both. (Page 814.)

Socrates being the principal speaker in most of Plato's Dialogues; we are generally left uncertain, whether the opinions and reasonings

\* Εν ᾧ γε δηλοῦται οἰκίζοντες πόλιν λεγέμεν, τὴν ἐν λόγοις κειμένην, ἵπτι γὰρ γε οὐδαμῶς οἶμαι αὐτὴν εἶναι. Ἀλλ' (ὅτι δ' ἔγωγε) ἐν οὐρανῷ ἴσως πᾶσι βλεπόμενον ἀνακινεῖται τὸ βουλευόμενον ὄραν, καὶ ὁρῶντι ἑαυτοὺς κατοικεῖν, διαφέρει δὲ οὐδὲν εἴτε που ἐστίν, εἴτε ἴσται, τὰ γὰρ ταύτης μοῦνης ἀν' πράξεσιν ἄλλης δὲ οὐδεμίας. Plat. de Republ. l. ix. pag. 741.

they

they contain, were those of the master or the disciple. But Xenophon, with beautiful simplicity and brevity, has transmitted to us several of the opinions and real discourses of his master, without any mixture of his own. His report of the manner in which Socrates distinguished and classed forms of government, will serve to illustrate this remark. Socrates, he informs us, called the government of cities by single rulers, according to laws and with consent of the citizens, a regal government; a government against consent, and without laws, but conducted according to the pleasure of the ruler, he called Tyranny. When the government of a city was committed to a few magistrates, whose administration was uniformly just and legal, he called it an Aristocracy; but if they obtained their authority on account of their revenues, he called it a Ploutocracy, or government of the rich: and government exercised by men of all denominations, he called a Democracy †. The coincidence between this division of forms of government and that laid down in Plato's Politicus, seems to evince, as has been already observed, that Plato in that dia-

† Xenoph. Memorabilia Socra. l. iv. pag. 813. Ed. Leunclavii.

logue intended to deliver the sentiments of his master on the subject.

## S E C T. II.

### *Aristotle's classification of forms of government.*

THE reader may be curious to compare Aristotle's division of forms of government with that of his master Plato, and with that of Socrates, as reported by his two disciples, Plato and Xenophon.

When the public good is the object of the government, Aristotle calls the rule of one man, Regal Government; that of a few, being more than one, Aristocracy; and that of a multitude, *Polity*\*, which he says, is also the common name of all political constitutions. But if the advantage only of the rulers of the state is the object of the government; he calls the rule of

\* Πολιτεια, commonly rendered *commonwealth*, or *republic*.



one man, Tyranny; that of a few, Oligarchy; and that of many, Democracy. The last three are thus severally the corruptions of the first three. As tyranny implies the arbitrary and despotic authority of one, resembling that of a master over slaves; so in oligarchy, the rich govern; and in democracy, the poor; the former being commonly the few, and the latter the many ||.

Aristotle, like his master Plato, employs monarchy as a common term, comprehending both regal government and tyranny, as its two branches §. But he subdivides regal government into five species: 1. One of these is the Heroic Government; or the rule of a king over subjects, who cheerfully submit to him as their military chief, their judge, and the supreme director of their religious worship. This was the government which heroes and demi-gods were represented to have exercised over nations, in the fabulous times, with sovereign authority, civil, military, and religious. 2. The second is the Barbaric Government, or the despotic hereditary authority of one man, who, notwithstanding, governs according to laws †. 3. The

|| Aristot. Politic. l. iii, c. 3. Ed. Heinfi.

§ Ibid. l. v. c. 10.

† Εκ γένους αρχή δισποτική κατὰ νόμον.

third is *Aifymnetia* †. This is a name which Aristotle gives to the government of a single person, elected by a people, either for a limited time, or for a special purpose; but with absolute authority, while it lasts: such was the authority of the Roman Dictator. 4. The fourth is the Spartan Regal Government. This was the supreme and hereditary command of a military chief. Of the five species into which Aristotle divides regal government, this seems to approach nearest to the modern idea of a limited monarchy. Perhaps the authority of the Spartan kings was the only example of that kind of government which existed in the days of Aristotle. 5th. The fifth species was Regal Government, properly so called, according to Aristotle. By this he understands the government of a single ruler, who is absolute lord of a whole people, by natural right derived from his eminence of qualifications, and superior excellence of character ‡.

At first one might be tempted to suspect, that Aristotle had only sported his description of this fifth species of regal government, as a

† *Aifymnetia*.

‡ Aristot. Polit. l. iii. c. 11.

refined piece of flattery to his patron Philip of Macedon, and his pupil Alexander. But there appears no just ground for an imputation, which would be more injurious to the character of this philosopher, than the maintenance of any speculative opinion. It appears to have been his real sentiment, that superior endowments conferred an indubitable right to the absolute government of mankind. In the third book of his Treatise on Politics, chapter ninth, he argues, that if one, or a few, greatly surpassed the rest of the community in virtue, they ought not to be regarded as forming a part of the state; they would be unjustly dealt with, if their privileges only equalled those of others, while they were so much superior in virtue, and in abilities for discharging political functions †. Whether one, or more, they are, he says, like gods among men. Over such, he says, there is no law: they are a law to themselves. Laws are only between equals in kind, and in capacity, and power. He says, that those who should make the ridiculous attempt of subjecting such persons to laws, might be addressed as Antif-

† Ουκετι θετων τουτους μερος πολιως, αδικησονται γαρ αξιομειοι των ισαν, ανισοι τοσούτοι κατ' αρετην ουτες, και την πολιτικην δυναμιν.  
Arist. Polit. l. iii. c. 9.

thenes had represented the lions to have addressed the hares, when the latter claimed an equality with those kings of the forest. This, he says, was the reason why ostracism had been instituted in democratical states; in order to preserve equality, and rid the community of any citizens who might surpass others in wealth, influence, or abilities. This, he says, was the reason why the Argonauts left Hercules behind them, deeming it unfit to sail on an expedition with a person of such transcendent superiority. This, he says, was the ground of the advice which Periander sent to Thracybulus by the significant action of levelling the ears in a field of corn, by striking off the heads of the tallest. Aristotle says, therefore, that this advice suited oligarchy and democracy as well as tyranny. It was thus, he says, the Athenians acted towards the Samians, Chians, and Lesbians; and the king of Persia, towards the Medes and Babylonians. He says, however, that this practice suited only the three corrupt forms; but that, under a right constitution of government, the man who excels in virtue, must be neither expelled, nor attempted to be ruled. The last would be the same thing as if one attempted to usurp a share of the sovereignty of Jupiter, and subject him

to human controul. He concludes with the following inference, as the result of his reasoning on the subject. "It remains, therefore, that such a person ought to be cheerfully obeyed by all; and that such men have a right to be perpetual kings in political communities †."

Aristotle says, that in his time, there existed no more governments of this fifth species of monarchy; because equality among men prevailed so far, that no one came up to the greatness and worth of that kind of authority ‡.

On the same general ground he argues, that different political communities are fitted by nature for different governments of the right sort; but that the corruptions of those governments are not according to nature §. The people, designed by nature for kingly government, is that, he says, which can bear with one family surpassing the rest in virtue; for aristocracy, that which can bear to be governed, as freemen

† Λειτουργία ὅσπερ ἰσχυρὰ πειθικὴν, παιδισθῆναι τῷ τοιοῦτῳ πάντα ἄσμενα. ὥστε βασιλεὺς ἵναί τοις τοιοῦτοις αἰδέουσι καὶ ταῖς πόλεσιν.  
Arist. Pol. I. iii. c. 9.

‡ Ibid. I. v. c. 10.

§ Ibid. I. iii. c. 12.



ought to be, by a number of persons qualified by virtue for political rule; and for a commonwealth, that which consists of a warlike multitude, capable both of commanding and obeying, and of conferring offices on men of property, according to their merit §.

We may observe in general, that Aristotle, in his division of forms of government, has adhered more to the old classification of Socrates than to the new ideas of his master Plato on that subject.

Every political student has reason deeply to regret the loss of Cicero's *Treatise de Republica*. Among many interesting discussions, it doubtless contained a classification of forms of government: and it is probable that Cicero followed the old division of Socrates more than that which is peculiar to Plato. But whatever system he adopted, he doubtless varied it so as to accommodate it to the preference which he was zealous to attribute to the Roman constitution. This is rendered probable by various passages in his other writings, as well as by

§ Arist. Pol. l. iii. c. 12.

some fragments which have been preserved of his *Treatise de Republica*.

Nothing more strongly evinces the imperfect state of the science of politics, than the uncertainty which still prevails with respect to classing forms of government; some contenting themselves with Machiavel's division into principalities, or monarchies, and republics; and others following the division of Montesquieu; yet most of those who follow it, complaining of its inaccuracy.

END OF THE APPENDIX.



# ERRATA.

- Page 10, Note, line 2, for L. iv. read L. vi.  
 — line 8, for spoliæ ac violet, read spoliæ, aut violet  
 — line 14, for communitalque read et communitas  
 14, line 1, for the surrendering read surrendering  
 54, line 3, for feature read doctrine  
 59, Note, line 1, for essay read essays  
 70, — line 5, for μαλίστ, ὑδαίμων read μαλίστ' ὑδαίμων  
 77, — line 3, for reipublicæ continentur read respublica  
 continentur  
 111, — line 3, for on land read in land  
 116, — line 5, for milites read militis.  
 — line 8, for vomeribus read vomeribus  
 117, — line 4, dele est  
 — line 5, for sovem read Jovem; and for subligeabant  
 read subigebant  
 — line 6, for metiri read partiri  
 — line 9, for l. iv. c. 121, read l. i. v. 121  
 — line 14, for l. iv. c. 125, read l. i. v. 145  
 127, — line 7, for fates read fate  
 130, — line 1, for est conjugio read conjugio est  
 — line 2, for omnia communia read communia omnia  
 — line 5, for ἀλλήλων read ἀλλήλων.  
 132, — line 3, for αὐτῶν read δ' αὐτῶν  
 — line 5, for βουλευσῶν βουλευσῶν  
 — line 6, for Ἀλλ' οὐκ read Ἀλλ' οὐκ  
 — line 7, for γλαφυροῖσι read γλαφυροῖσι; and for  
 ἑκάστος read ἑκάστος  
 — line 8, for ἀλλήλοις read ἀλλήλων  
 — line 8, for p. 106 read p. 806.  
 — line 12, for v read vv  
 133, — line 3, for initio igitur read igitur initio  
 — line 7, for emulatio read moderatio  
 — line 11, for munus imperii read genus imperii  
 primum  
 — line 22, for Aquealæ read Agricola  
 135, — line 1, for initio read inops  
 — line 2, for magnas read majores  
 — line 3, for præditum read præstantem  
 — line 6, for æquitate read æquabile  
 — line 8, for contigeret read contingeret  
 152, — line 7, for κατὰ μάλλον read κατὰ διὰ μάλλον  
 — line 15, for quod rectum est read quid rectum sit  
 — line 17, for liberis read litteris  
 — line 19, for 9 read 19  
 159, — line 1, for ibi read sibi  
 — line 2, for conjuges read conjuges principum  
 — line 3, for stuprataque reddebat read stuprataque  
 sponis reddebat

## ERRATA.

- Page, 160, Note, line 1, for *jubebat* read *imperabat*; and for *oc-  
casio rapinae* read *rapinae occasio*
- line 4, for *voverunt* read *voverant*
- line 7, for *eos vocat* read *eos Dionysius vocat*
- line 8, for *possent* read *possint*
- line 9, for *fungerentur* read *fungantur*
- line 10, for *omnibus juratis* read *omnibus ante  
juratis.*
- line 18, for *prædam* read *prædam suam*
- line 19, for *interfecit* read *interficat*
- 162, — line 2, for *naetus* read *erat naetus*
- 182, — line 14, for *retold* read *related*
- line 20, for *ut victus* read *ut ei victus*
- line 22, for *habetur* read *haberetur*; and for *re-  
sponfu* read *responso*; and for *excar-  
serant* read *exarserunt*
- 222, — line 1, for *nodus* read *modus*
- line 7, for *c. 4.* read *c. 1.*
- 252, — line 4, for *erassum* read *crassum*
- 257, — line 19, for *contempturos* read *contempturus*
- 265, — line 1, for *ibnuu* read *ibnuu*
- 307, — line 15, for *sovereign* read *sovereigns*
- 310, — line 15, for *understood* read *understand*
- 312, — line 1, for *were* read *was*
- 344, Note, line 16, for *bullum* read *bellum*
- 367, — line 5, for *Hephestian* read *Hephestion*